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Washington, Wednesday, March 25, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective June 1, 1959, paragraph (f) (1) of § 6.102 is revoked.
(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERV-
ICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-2496; Filed, Mar. 24, 1959;
8:49 a.m.]

PART 39—TRAINING REGULATIONS

1. Effective upon publication in the FEDERAL REGISTER, §§ 39.1 and 39.2 are revoked.

2. A new Part 39 is added as set out below, effective as of July 1, 1959, with the following exceptions, which are effective upon publication in the FEDERAL REGISTER: §§ 39.101; 39.203(b); 39.208; Subpart C, with the exception of § 39.302; Subpart D; and Subpart E.

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AUTHORITY: §§ 39.101 to 39.506 issued under sec. 6, 72 Stat. 329. Interpret and apply Pub. Law 85-507 and E.O. 10800, Jan. 15, 1959.

Subpart A—General Provisions

§ 39.101 Definitions.

For the purpose of this part:

(a) The term "Act" means the Government Employees Training Act, Public Law 85-507 (72 Stat. 327).

(b) The terms "Government," "department," "employee," "Commission," "training," "Government facility," and "non-Government facility" have the meanings given to these terms by section 3 of the Act.

(c) The term "training by, in, or through Government facilities" means training that is conducted (1) by civilian or military personnel of the Government acting in their official capacities, and (2) on property owned or substantially controlled by the Government. All other training is "training by, in, or through non-Government facilities."

Subpart B—Establishing Training Programs Through Government and Non-Government Facilities

§ 39.201 Review of training needs.

(a) In conducting the reviews of training needs required by section 5 of
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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplement is now available:

Title 9, Rev. Jan. 1, 1959, (\$4.75)

Previously announced: Title 3, 1958 Supp. (\$0.35); Title 8 (\$0.35); Titles 22-23 (\$0.35); Title 25 (\$0.35); Title 38 (\$0.55); Titles 40-42 (\$0.35); Title 46, Parts 146-149, 1958 Supp. 2 (\$1.50); Part 150 to end (\$0.50); Title 47, Part 30 to end (\$0.30); Title 49, Parts 91-164 (\$0.40)

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the Act and by Executive Order 10800, each department shall:

(1) Consider any pertinent information available through existing management records such as inspection reports, management audits, and production and staffing studies; and

(2) Consider the needs of all categories of employees.

(b) Reviews shall be conducted in such manner and with such frequency

as the department finds best to meet the requirements of the Act, Executive Order 10800, and these regulations in this part, and to provide sound bases for planning the training to be provided under the Act.

§ 39.202 Scope and general conduct of training programs.

(a) The head of each department shall determine, and shall make known in writing, the policies which are to govern the training of employees of the department. These policies shall include a statement of the broad purposes for which training will be given and of the assignment of responsibilities for seeing that these purposes are achieved.

(b) The head of each department also shall take such administrative action as is necessary to insure:

(1) That the department's organizational and administrative provisions for training are as adequate as needs justify and circumstances permit; and

(2) That information with respect to the general conduct of the department's training program is available to enable the Commission, the President, and the Congress to discharge their respective responsibilities under the Act.

(c) Training programs established by the departments under authority of the Act shall, to the maximum extent feasible:

(1) Be based on actual needs, existing or reasonably foreseeable;

(2) Meet as many of these needs as possible, priority considered;

(3) Be integrated with other personnel management and operating activities.

§ 39.203 Selection and assignment of trainees.

(a) The head of each department shall establish such procedures as are necessary to insure eligible employees reasonable opportunity for consideration in selection for training which is to result in promotion. Merit promotion programs established under § 2.501

(a) (2) of this chapter shall be followed in selecting career or career-conditional employees for training that is given primarily to prepare trainees for advancement and that is required for promotion.

(b) With respect to selection and assignment of employees to training by, in, or through non-Government facilities, the head of each department shall provide:

(1) That authority to authorize such training of more than forty hours duration be held at a sufficiently high administration level to insure that the policies and viewpoints of the department head are reflected in each decision; and

(2) That each assignment of an employee who is stationed within the continental limits of the United States to training outside these limits be approved by a specifically designated official at the headquarters level of the department.

§ 39.204 Utilization of trainees.

Each department, in effecting position changes within the department, shall give consideration to significant training and self-development activities undertaken by its employees.

§ 39.205 Evaluation of training.

Each department shall provide for evaluation of the results and effects of training provided under the Act. Such evaluation shall be conducted in such manner and with such frequency as the department head considers most appropriate to the department.

§ 39.206 Interchange of training information.

Each department shall, at such times and in such manner as it deems appropriate, inform the Commission, or such other departments as it believes may be especially concerned, of new, different, or particularly successful training practices or materials which it develops or acquires, which it considers of probable interest to others, and which it is able to share with others.

§ 39.207 Reports.

(a) The reports required by section 18(a) of the Act and by this section shall be prepared for each fiscal year. Each department shall submit a consolidated report to the Commission not later than September 1 of the succeeding fiscal year.

(b) The consolidated report shall include:

(1) A brief narrative statement:

(i) Outlining in the first report to the Commission under this section, the department's training policies and overall program and, in each subsequent report, any major changes in policy, shifts in program emphasis, or other significant developments;

(ii) Assessing generally the value of training to the department and the extent to which economies and improved operations have resulted; and

(iii) Summarizing the department's estimated expenditures for all training by, in, or through non-Government facilities (including training incident to initial procurement of equipment when information on costs of such training is available), presenting separately totals for (a) tuition, (b) related fees, (c) travel, and (d) per diem.

(2) Attachments, Standard Form 10, containing special information required by section 18(a) (2) of the Act regarding employees (other than students participating in work-study programs) receiving training, by, in, or through non-Government facilities for more than 120 days.

(3) Attachments, Standard Form 11, containing special information regarding employees who, under authority of section 19(a) of the Act, receive from non-Government sources contributions or awards incident to training in non-Government facilities.

(4) An attachment, in triplicate, containing the names of any employees failing to fulfill their obligations under section 11 of the Act together with a brief account of the reason for such failure and of any action taken to recover additional expenses incurred by the Government in connection with their training.

(c) The Commission may grant exceptions to the requirements stated in paragraphs (a) and (b) of this section.

§ 39.208 Utilization of other Government facilities.

(a) Each department or agency shall be responsible for determining whether its training programs and facilities are to be made available to employees of other departments or agencies.

(b) No department or agency shall be required to make its training programs or facilities available to others if it needs the full capacity of its facilities for the training of its own employees or if, in its judgment, the participation of others would be incompatible with the effective conduct of its own training program or other activities.

(c) Each department shall be responsible for determining whether training programs or facilities offered by other departments or agencies are suitable, timely, reasonably available, and adequate to meet its training needs.

Subpart C—Training by, in, or Through Non-Government Facilities

§ 39.301 General prohibitions, training through non-Government facilities.

(a) The training of an employee by, in, or through a non-Government facility for the purpose of filling a position by promotion is prohibited if there is in the department concerned another employee of equal ability and suitability who is fully qualified to fill such position and is available at, or within a reasonable distance from, the place or places where the duties of such position are to be performed. The head of each department shall establish such policies or procedures relating to areas of consideration and to determinations concerning ability, suitability, availability, qualification, and geographic location as he considers reasonable and necessary to assure adherence to this prohibition.

(b) Training of employees by, in, or through a non-Government facility may be authorized only after determination by the head of the department concerned that adequate training for such employees by, in, or through a Government facility is not reasonably available and that appropriate consideration has been given to the then existing or reasonably foreseeable availability and utilization of fully trained employees.

§ 39.302 Selection of non-Government facilities for training.

Each department shall use as the principal criterion for selection of non-Government training facilities the ability of such facilities to meet the department's training needs effectively, economically, and in timely fashion.

§ 39.303 Computing time in training through non-Government facilities.

For purposes of the Act and the regulations in this part:

(a) An employee assigned to full-time training by, in, or through non-Government facilities is counted as being in training the same number of hours he is in a pay status during such training assignment, up to a maximum of 8 hours a day, 40 hours a week. If the employee is not in pay status during such training,

he is counted as being in training the same number of hours as are in the period of any leave granted for purposes of such training.

(b) An employee assigned to training by, in, or through non-Government facilities on less than a full-time basis is counted as being in training the same number of hours he spends in class or with the instructor in such facilities.

(c) The Commission may authorize such other procedures for the counting of time in training as it considers appropriate.

§ 39.304 Continuous civilian service.

For purposes of applying section 12 (a) (2) and (3) of the Act, continuous civilian service includes periods of service in a nonpay status.

§ 39.305 Waiver of limitations on training of employees through non-Government facilities.

(a) To the extent considered justified by the head of the department concerned, the requirement for applying the limitations contained in section 12(a) (1), (2) and (3) of the Act may be waived:

(1) For employees assigned to training by, in, or through non-Government facilities that does not exceed forty hours within a single program;

(2) For employees receiving training provided by manufacturers as a part of the normal service incident to initial purchase or lease of their products under procurement contracts;

(3) For employees receiving training through correspondence courses.

(b) To the extent he considers justified, the head of each department is further authorized to waive the limitations contained in section 12(a) (2) and (3) of the Act for employees serving in work-study programs when all of the following conditions are met:

(1) The employees are serving under career or career-conditional appointments;

(2) The employees are working in the fields of natural or mathematical sciences or engineering;

(3) Expenses of college training are being paid in the programs concerned only because the department has found that the programs cannot operate successfully without such payment;

(4) The employees' expenses of college training are being paid only to the extent the department deems necessary to attract and retain these employees; and

(5) Only those expenses of the employees' college training that are covered by section 10(2) of the Act are being paid.

(c) The head of each department is further authorized to waive the limitation contained in section 12(a) (2) of the Act, when he determines that it is in the public interest to do so,

(1) For employees whose training during their first year of service is essential to protection of life, safety, or property, or to intelligence or law-enforcement activities;

(2) For employees who are in positions for which higher minimum rates are currently established under provisions

of section 803 of the Classification Act of 1949, as amended;

(3) For employees who can participate at little or no additional cost in training programs conducted for other employees.

§ 39.306 Agreements to continue in service.

(a) For purposes of administering section 11 of the Act,

(1) The period of time an employee is required to agree to continue in the service of his department begins on the first work day after the training covered by the agreement ends.

(2) "Additional expenses incurred by the Government in connection with his training" means all expenses of training paid under authority of section 10(2) of the Act, but, not salary, pay, or compensation.

(b) Employees selected for training by, in, or through non-Government facilities that involves no expense to the Government other than their salary, pay, or compensation are excepted from the requirement contained in section 11(a) of the Act for entering into written agreements.

(c) To the extent considered justified by the head of the department concerned, the following groups of employees may be excepted from the requirement contained in section 11(a) of the Act for entering into written agreements:

(1) Employees selected for training provided by manufacturers as a normal service incident to initial purchase or lease of their products under procurement contracts;

(2) Employees selected for training by, in, or through non-Government facilities that does not exceed forty hours within a single program;

(3) Employees selected for training which is given through correspondence courses.

(d) When a department pays only those expenses of an employee's training that are authorized by section 10(2) of the Act, the department head may reduce to one month or to a period equal to the length of the training period covered by such payment, whichever is greater, the period of time the employee is required by section 11(a) of the Act to agree to continue in his department's service.

§ 39.307 Failure to fulfill agreements to continue in service.

(a) *Entrance into service of other department or agency.* (1) Each written agreement under section 11(a) of the Act shall provide that the employee covered thereby must give his department at least ten work-days' notice if he intends to enter the service of another department or agency prior to the expiration of the period for which he agrees to continue in his department's service. Each agreement shall also provide that if the employee fails to give such advance notice, and does enter the service of another department or agency, he must repay the Government the amount of the additional expenses incurred by the Government in connection with the training covered by the agreement. The head of the department which has au-

thorized such training may waive in whole or in part the obligation under the agreement requirement whenever he finds that repayment would be against equity, good conscience, or the public interest.

(2) The prior notice to be given by a department head under section 11(b) of the Act shall be given as soon as practicable after the employee informs the department of his intention to enter the service of another department or agency.

(b) *Waiver of right of recovery.* (1) The head of a department, or a representative especially designated by him for this purpose, may waive in whole or in part any right of recovery under section 11(c) of the Act when he finds that such recovery would be against equity and good conscience or against the public interest.

(2) Delegation of authority to act for the head of a department under subparagraph (1) of this paragraph shall be held to as high an administrative level as practicable in order to insure that the policies of the department head are reflected in each decision.

Subpart D—Expenses of Training

§ 39.401 Determination of necessary expenses of training.

The head of each department shall determine which expenses constitute necessary training expenses under section 10 of the Act.

§ 39.402 Exceptions from prohibition on payment of premium pay.

(a) The following employees are excepted from that provision of section 10 of the Act that prohibits payment of overtime, holiday, or night differential pay:

(1) Employees given training during a period of duty for which they are already receiving overtime, holiday, or night differential pay: *Provided*, That this exception shall not apply to employees assigned to full-time training at institutions of higher learning;

(2) Employees given training at night because situations which they must learn to handle occur only at night;

(3) Employees given training on overtime because the costs of such training, overtime pay included, are less than the costs of the same training confined to regular work hours;

(4) Employees given training during periods of temporary assignment covered by § 25.272(c) (2) of this chapter.

(b) Employees who are excepted under paragraph (a) of this section shall be eligible to receive overtime, holiday, and night differential pay in accordance with the pay authorities applicable to them.

§ 39.403 Protection of Government's interests, incomplete training.

The head of each department shall establish such procedures as he considers necessary to protect the Government's interests in cases where employees fail to complete training for which the department pays the expenses.

§ 39.404 Records of training expenses.

Records of payments made for travel, tuition and fees, and other necessary ex-

penses of training through non-Government facilities shall be maintained.

Subpart E—Contributions Awards, and Payments

§ 39.501 Scope.

(a) This subpart relates to contributions, awards, and payments made to employees, or on their behalf, by non-Government organizations in connection with training that the employees receive through non-Government facilities, or meetings that they attend, either (1) partially or wholly within periods when they are on duty; or (2) at such other times as their departments pay the expenses of such training or of attendance at such meetings in whole or in part.

(b) This subpart does not limit the authority of department heads to establish any procedures that they consider appropriate concerning the acceptance of contributions, awards, and payments in connection with any training and meetings that are outside the scope of this subpart.

§ 39.502 Acceptance of contributions, awards, and payments.

No employee may accept a contribution, award, or payment (whether made in cash or in kind) that falls within the scope of this subpart without specific written authorization granted under § 39.503.

§ 39.503 Authority of departments to authorize acceptance.

The head of a department (or any representative especially designated by him for this purpose in accordance with § 39.505), may authorize an employee of his department to accept a contribution or award (in cash or in kind) incident to training in non-Government facilities or to accept payment (in cash or in kind) of travel, subsistence, and other expenses incident to attendance at meetings, if such contribution, award, or payment is made by an organization determined by the Secretary of the Treasury to be an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of that Code, and if, in his judgment, the following two conditions are met:

(a) The contribution, award, or payment is not a reward for services rendered the organization prior to the training or meeting, and (b) Acceptance of the contribution, award, or payment:

(1) Would not reflect unfavorably upon the ability of the employee to carry out his official duties in a fair and objective manner;

(2) Would not compromise the honesty and integrity of Government programs or of Government employees and their official actions or decisions;

(3) Would be compatible with the Code of Ethics for Government service expressed in House Concurrent Resolution 175, 85th Congress, 2d Session; and

(4) Would otherwise be proper and ethical for the employee concerned under the circumstances in his particular case.

§ 39.504 Identification of organization when more than one participates.

When more than one non-Government organization participates in making any single contribution, award, or payment, the "organization" referred to in this subpart shall be considered to be the one that selects the recipient and administers the funds from which the contribution, award, or payment is made.

§ 39.505 Delegation of authority to authorize acceptance.

Heads of departments may designate representatives to act for them in authorizing the acceptance of contributions, awards, and payments under § 39.503. Delegation of authority to act in this matter should be held to as high an administrative level as practicable in order to insure that the viewpoint of the department head is reflected in each decision; and that there is full evaluation of the circumstances of each case in the light of the conditions set forth in § 39.503.

§ 39.506 Records.

Each department shall maintain, in such form and manner as the department head considers appropriate, the following records in connection with each contribution, award, or payment made and accepted under authority of this subpart: the name of the recipient; the name of the organization; the amount and nature of the contribution, award, or payment and the purpose for which it is to be used; and a copy of the written authorization required by § 39.502.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-2495; Filed, Mar. 24, 1959; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 468—MOHAIR

Subpart—Payment Program for Mohair

§ 468.151 Payment program for mohair.

(a) *Announcement of program.* The Commodity Stabilization Service and Commodity Credit Corporation hereby announce a payment program for mohair pursuant to the National Wool Act of 1954, as amended. The program will be carried out under the general supervision and direction of the Executive Vice President of Commodity Credit Corporation through the Commodity Stabilization Service.

(b) *Level of price support for 1959 marketing year.* The price of mohair sold in the 1959 marketing year (April 1, 1959, through March 31, 1960) will be supported at a level which will yield an average return to producers of 70 cents per pound for all mohair sold in that marketing year. The price of mohair will be supported by payments to producers if the national average return to producers for all mohair sold in the 1959 marketing year is less than the support level of 70 cents per pound. Mohair prices are now above that level.

(c) *Provisions of regulations.* If market conditions become such that it appears that payments to producers will be necessary, regulations containing the detailed program requirements will be issued. Such regulations will be generally similar to the regulations dealing with shorn wool payments which are included in the Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool), issued by Commodity Credit Corporation and the Commodity Stabilization Service on January 27, 1959 (24 F.R. 649), except that there will be no deductions from payments under the mohair program based on any purchases of goats. Applicants for payments under the mohair program will submit sales documents meeting the requirements as to sales documents for shorn wool in the previously mentioned wool payment program (§§ 472.1007 and 472.1008 of this chapter), and producers of mohair are cautioned to obtain and keep such documents for use under the mohair program if mohair payments should be made.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 702-709, 68 Stat. 910-912, secs. 401-403, 72 Stat. 994-995; 15 U.S.C. 714c, 7 U.S.C. 1781-1787, 1446)

Issued this 19th day of March 1959.

[SEAL] CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation,
and Administrator, Commodity Stabilization Service.

[F.R. Doc. 59-2515; Filed, Mar. 24, 1959; 8:52 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 971—MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

Order Amending Order

§ 971.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as

such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1959.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued February 27, 1959 and the decision of the Assistant Secretary containing all amendment provisions of this order issued March 17, 1959. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1959 and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means

pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. The order is hereby amended as follows:

§ 971.51 [Amendment]

Delete that portion of § 971.51(a) that precedes subparagraph (1) thereof and substitute therefor the following:

(a) Add \$1.20 to the basic formula price for the preceding month and add or subtract the simple average (rounded to the nearest cent) of the amount of the supply-demand adjustment for the month pursuant to § 965.51(a) of this chapter (Order No. 65 (Cincinnati)) and the amount computed as follows:

(Sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c)

Issued at Washington, D.C., this 20th day of March 1959 to be effective on and after the 1st day of April 1959.

[SEAL] CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-2490; Filed, Mar. 24, 1959; 8:48 a.m.]

PART 974—MILK IN THE COLUMBUS, OHIO, MARKETING AREA

Sec. 974.0 Findings and determinations.

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AUTHORITY: §§ 974.0 to 974.92 issued under sec. 5, 49 Stat. 753, as amended, 7 U.S.C. 608c.

§ 974.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Columbus, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the

price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 2 cents per hundredweight or such amount not to exceed 2 cents per hundredweight as the Secretary may prescribe, with respect to all receipts of producer milk and other source milk received in the form of a fluid milk product at a pool plant and with respect to a fluid milk plant which is a non pool plant in accordance with § 974.63 (a) or (b).

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1959.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued January 20, 1959 and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued February 25, 1959. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1959, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who

participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Columbus, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 974.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 974.2 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 974.3 Secretary.

"Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 974.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 974.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 974.6 Columbus, Ohio, marketing area.

"Columbus, Ohio, marketing area" hereinafter referred to as the "marketing area" means all territory including but not being limited to all municipal corporations and institutions owned or operated by the Federal, State or local Government, or portions thereof, in: Franklin County; Delaware County; Fairfield County, excluding the townships of Clear Creek and Amanda; Hartford, Monroe, Jersey, Lima, Etna, Bennington, Liberty, St. Albans, and Harrison townships in Licking County; Union, Oak Run, Fairfield, Jefferson, Canaan, and Darby townships in Madison County; and Jerome township in Union County; all in Ohio.

§ 974.7 Fluid milk product.

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk,

concentrated milk, milk drinks (plain or flavored including prepared milk shake mixes and eggnog), cream (including sterilized cream), or any mixture in fluid form of milk, skim milk or cream (except storage cream, aerated cream products, ice cream mix, evaporated or condensed milk and sterilized products packaged in hermetically sealed containers).

§ 974.8 Route.

"Route" means a delivery (including a sale from a plant store) of a fluid milk product(s) to a wholesale or retail stop(s) other than to a milk plant(s) or to a food processing plant(s) for use other than for fluid consumption.

§ 974.9 Fluid milk plant.

"Fluid milk plant" means a plant or other facilities which are used in the receipt, preparation, or processing of milk which is approved by a duly constituted health authority for fluid disposition as Grade A milk and all or a portion of such milk is:

(a) Disposed of during the month in the form of a fluid milk product(s) in the marketing area on a route(s); or

(b) Moved to a plant described in paragraph (a) of this section in the form of a fluid milk product(s).

§ 974.10 Pool plant.

"Pool plant" means any fluid milk plant meeting the conditions of paragraph (a) or (b) of this section, except a plant operated by a producer-handler:

(a) Any fluid milk plant from which the volume of Class I milk disposed of on a route(s) and Class II milk is equal to not less than 50 percent of the Grade A milk described in § 974.12(a) received at such plant from dairy farmers and from other plants during the month and more than 15 percent of such receipts are disposed of as Class I milk on routes in the marketing area: *Provided*, That the 50 percent requirement of this paragraph shall apply only during the months of January, February, October and November to a fluid milk plant which operates routes all of which service only the Campus of Ohio State University, Columbus, Ohio; or

(b) Any fluid milk plant which receives milk from dairy farmers described in § 974.12(a) and from which fluid milk products equal to not less than 50 percent of the milk received at such plant from such dairy farmers during the month is moved to a plant(s) described in paragraph (a) of this section: *Provided*, That if such shipments are not less than 50 percent of the receipts of milk from such dairy farmers at such plant during the immediately preceding period of August through November, such plant shall, unless written application for nonpool plant status is received by the market administrator from the operator of such plant on or before March 1 of any year, be designated as a pool plant for the months of March through July of such year.

§ 974.11 Nonpool plant.

"Nonpool plant" means any milk manufacturing, processing, or bottling plant other than a pool plant.

§ 974.12 Producer.

"Producer" means any person, except a producer-handler, who produces milk on a dairy farm which is approved by a duly constituted health authority for the production of milk for fluid disposition and which milk is:

(a) Permitted by the health authority having jurisdiction in the marketing area to be labeled and disposed of as Grade A milk in the marketing area; and

(b) Received during the month at a pool plant or diverted from a pool plant to another pool plant or to a nonpool plant pursuant to the conditions set forth in § 974.13.

§ 974.13 Producer milk.

"Producer milk" means skim milk and butterfat contained in milk: (a) Received at a pool plant directly from producers; (b) diverted for the account of the operator of a pool plant to another pool plant; or (c) diverted during the month to a nonpool plant for the account of a cooperative association or the operator of a pool plant: *Provided*, That producer milk diverted shall be deemed to have been received at a pool plant at the same location as the pool plant from which it is diverted; *And provided further*, That this definition shall not include the milk of any person during any of the months of August through March in which the milk of such person is diverted to a nonpool plant for more than one-half of the days of delivery during the month.

§ 974.14 Handler.

"Handler" means (a) any person who operates a fluid milk plant, and (b) any cooperative association with respect to milk diverted by it in accordance with the conditions set forth in § 974.13(c).

§ 974.15 Producer-handler.

"Producer-handler" means any person who processes and packages milk from his own farm production, who distributes any portion of such milk on a route in the marketing area and who receives no fluid milk products from other dairy farmers or nonpool plants: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the care and management of all the dairy animals, and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) is the personal enterprise of and at the personal risk of such person and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

§ 974.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products, except: (1) Fluid milk products received from pool plants, (2) producer milk, and (3) inventories of fluid milk products on hand at the beginning of the month; and

(b) Products other than fluid milk products from any source, except Class II and Class III products from pool

plants, which are repackaged, reprocessed or converted to another product in the plant during the month or skim milk and butterfat in such products for which other utilization or disposition is not established on the basis of the records required pursuant to § 974.32.

§ 974.17 Chicago butter price.

"Chicago butter price" means the arithmetical average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported for the month by the Department.

§ 974.18 Nonfat dry milk price.

"Nonfat dry milk price" means the arithmetical average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk for human consumption, f.o.b. Chicago area manufacturing plants, as published for the month by the Department.

MARKET ADMINISTRATOR**§ 974.20 Designation.**

The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 974.21 Powers.

The market administrator shall have the power to: (a) Administer all of the terms and provisions of this part; (b) make rules and regulations to effectuate the terms and provisions of this part; and (c) receive, investigate, and report to the Secretary complaints of violations of this part.

§ 974.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties, and conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Pay, out of the funds provided by § 974.76:

(1) The cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 974.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days, after the day upon which he is required to perform such acts, has not made:

(1) Reports pursuant to § 974.30, or

(2) Payments pursuant to §§ 974.71, 974.72, 974.75, 974.76, or 974.78;

(f) Submit his books and records to examination and furnish such information and verified reports as may be requested by the Secretary;

(g) On or before the 10th day after the end of each month, supply each cooperative association upon request, with a record of the amount and average butterfat test of milk received during such month and the amount of any advance payments made and of any deductions or charges from payments for such milk authorized with respect to each producer determined by the market administrator to be a member of such association or to have given written authorization to such association to receive such information;

(h) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of milk for such handler depends;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 6th day of each month, the minimum Class I and Class II prices and butterfat differentials computed pursuant to §§ 974.51 (a) and (b) and 974.52(a);

(2) On or before the 6th day after the end of each month; the minimum Class III and Class IV prices and the butterfat differentials computed pursuant to §§ 974.51 (c) and (d) and 974.52 (b) and (c); and

(3) On or before the 10th day after the end of each month, the uniform price computed pursuant to § 974.61 and the butterfat differential computed pursuant to § 974.73;

(j) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) On or before the 10th day after the end of each month, upon request by a cooperative association described in § 974.77(b) or the operator of a pool plant, furnish such person and publicly announce by posting in a conspicuous place in his office, unless otherwise directed by the Secretary, the name of each handler who during the month received producer milk and the percentage of the skim milk and butterfat in such milk which was classified in each class during the month together with any significant changes in the reported per-

centages for any previous month as are revealed by the regular audit of the market administrator.

REPORTS, RECORDS, AND FACILITIES

§ 974.30 Reports of receipts and utilization.

On or before the 6th day after the end of each month, each handler shall report for such month to the market administrator for each of his pool plant(s), in the detail and on the forms prescribed by the market administrator, the following:

(a) The total pounds of skim milk and butterfat contained in or represented by:

(1) Producer milk;

(2) Fluid milk products received from other pool plants;

(3) Products specified in Class II and Class III milk from pool plants which are reprocessed or converted to another product in the plant during the month;

(4) Other source milk; and

(5) Beginning and ending inventories of fluid milk products;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe; and

(d) His producer payroll which shall show for each producer and association of producers:

(1) The total pounds of producer milk received and the average butterfat test thereof;

(2) The amount of any advance payments; and

(3) The nature, amount or rate per hundredweight of milk of each deduction or charge made by the handler.

§ 974.31 Other reports.

(a) Each handler and producer-handler shall make reports to the market administrator with respect to receipts and utilization at each of his fluid milk plants which is not a pool plant at such time and in such manner as the market administrator may request.

(b) The operator of a pool plant shall notify the cooperative association of his intention to divert milk of its member-producers pursuant to § 974.13(c) not less than 24 hours prior to such diversion.

§ 974.32 Records and facilities.

Each handler and producer-handler shall maintain and make available to the market administrator, his agent, or such other person as the Secretary may designate, during the usual hours of business, such accounts and records of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat handled, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat and for other contents, of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 974.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 974.40 Basis of classification.

The skim milk and butterfat which are required to be reported pursuant to § 974.30(a) shall be classified by the market administrator, subject to the provisions of §§ 974.41 to 974.46.

§ 974.41 Classes of utilization.

Subject to the provisions set forth in §§ 974.43 and 974.44 the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in the form of a fluid milk product, except as provided in paragraphs (b) (2) and (d) (2) of this section; (2) in ending inventory of fluid milk products; and (3) not specifically accounted for as Class II, Class III or Class IV milk;

(b) Class II milk shall be all skim milk and butterfat (1) used to produce cottage cheese, and any mixture containing skim milk or butterfat placed in containers or dispensers under pressure for the purpose of dispensing an aerated product (such as "Reddi-Wip", "Instant Whip", etc.), and (2) disposed of in bulk fluid form during any of the months of April through July, inclusive, to any manufacturer of soup, candy, or bakery products for use in such manufacturing operation;

(c) Class III milk shall be all skim milk and butterfat contained in frozen cream, and used to produce condensed milk and condensed skim milk (except evaporated milk or skim milk in hermetically sealed cans), ice cream, ice cream mix, ice cream novelties, ice sherbets, ice milk, imitation ice cream and frozen dairy desserts; and

(d) Class IV milk shall be all skim milk and butterfat (1) used to produce any milk product other than those specified in paragraphs (a), (b), or (c) of this section, (2) specifically accounted for as dumped or disposed of for livestock feed, (3) in actual plant shrinkage allocated to producer milk pursuant to § 974.42, but not in excess of two percent of such receipts of skim milk and butterfat, respectively, and (4) actual plant

shrinkage allocated to other source milk pursuant to § 974.42.

§ 974.42 Shrinkage.

The market administrator shall allocate shrinkage at the handlers pool plant(s) as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively;

(b) To the producer milk at such plant, add the producer milk diverted to such plant and subtract producer milk diverted from such plant to another pool plant; and

(c) Prorate the amount computed pursuant to paragraph (a) of this section between receipts of skim milk and butterfat, respectively, in producer milk as computed pursuant to paragraph (b) of this section and in other source milk received in the form of a fluid milk product in bulk.

§ 974.43 Transfers.

Skim milk or butterfat transferred or diverted from a pool plant shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to another pool plant, unless:

(1) Utilization in another class is claimed by the operators of both plants in their reports submitted pursuant to § 974.30; and

(2) The transferee plant has utilization in the claimed classification of an equivalent amount of skim milk and butterfat, respectively, after making the assignment pursuant to § 974.46(a) (1), (2) and (3) and the corresponding steps of § 974.46(b): *Provided*, That if either or both plants have other source milk, the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the highest-valued use classification available at both plants to producer milk;

(b) As Class I milk, if transferred or diverted to a producer-handler in the form of a fluid milk product;

(c) As Class I milk if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located 100 airline miles or more from the State Capitol in Columbus, Ohio; and

(d) As Class I milk if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant, except a plant operated by a producer-handler, located less than 100 airline miles from the State Capitol in Columbus, Ohio, unless:

(1) The handler claims classification in another class in his report submitted pursuant to § 974.30 and the operator of the nonpool plant maintains books and records showing the receipt and utilization of all skim milk and butterfat at such plant which are made available, if requested by the market administrator for verification: *Provided*, That if the classification claimed by the handler results in an amount of skim milk and butterfat claimed by all handlers transferring or diverting milk from pool plants to such nonpool plant in Class I milk, Class II milk, or Class III milk, respectively, of less than the assignable amounts remaining after the following

computation, an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk, Class II milk, or Class III milk, respectively, in series beginning with Class I milk, pro rata, in accordance with the total of the lower-priced classifications reported by each of such handlers:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant and classified as Class I milk and used to produce products in Class II milk and Class III milk, pursuant to the classification provisions of this order applied to such nonpool plant, subtract, in series beginning with Class I milk, the skim milk and butterfat received at such plant directly from dairy farmers who are approved by a duly constituted health authority to supply "Grade A" milk and who the market administrator determines constitutes the regular source of supply for such nonpool plant;

(ii) From the remaining amount of Class I milk, subtract the skim milk and butterfat, respectively, in fluid milk products received from other markets and which is classified and priced as Class I milk pursuant to another order issued pursuant to the Act: *Provided*, That the amount subtracted pursuant to this subdivision shall be limited to such market's pro rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such nonpool plant which are subject to the pricing provisions of an order issued pursuant to the Act; and

(iii) From the remaining amount of Class II milk and Class III milk, subtract, in series beginning with Class II milk, the skim milk and butterfat, respectively, in milk received directly from dairy farmers, at such nonpool plant, who are not approved by a duly constituted health authority to supply "Grade A" milk.

§ 974.44 Responsibility of handlers.

In establishing the classification of skim milk and butterfat as required in §§ 974.41 and 974.43, the burden rests upon the handler who first receives such skim milk or butterfat to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

§ 974.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of skim milk and butterfat in Class I milk, Class II milk, Class III milk and Class IV milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by the handler, the pounds of skim milk used to produce and disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water normally associated with such solids in the form of whole milk.

§ 974.46 Allocation of skim milk and butterfat classified.

After making the computation pursuant to § 974.45, the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler during the month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class IV milk the pounds of skim milk in producer milk shrinkage assigned to Class IV milk pursuant to § 974.41(d)(3);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced use available, the pounds of skim milk in other source milk;

(3) Subtract from the remaining pounds of skim milk in Class II and Class III milk, respectively, the pounds of skim milk in products specified in Class II and Class III milk, respectively, which have been produced in a pool plant and which are reprocessed or converted to another product in the plant during the month: *Provided*, That if the amount to be subtracted pursuant to this subparagraph is in excess of the amount remaining in such class, such excess shall be subtracted from the next higher-priced available class;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from other pool plants according to the classification determined pursuant to §§ 974.41 and 974.43;

(5) Subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the pounds of skim milk remaining in Class IV milk the skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) Subtract, in series beginning with the lowest-priced use available, the amount, if any, by which the total skim milk remaining in all classes exceeds the pounds of skim milk in producer milk.

(b) Butterfat shall be allocated by the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class.

MINIMUM PRICES

§ 974.50 Basic formula price.

The basic formula price per hundredweight of milk for the month shall be the higher of the prices as computed to the nearest one tenth of a cent by the market administrator for such month pursuant to paragraphs (a) and (b) of this section:

(a) The arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following places for which prices are reported to the market administrator or to the Department by the companies listed below:

Company and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3.5 cents, and multiply the difference by 4.2; and

(2) From the nonfat dry milk price, subtract 4 cents and multiply the difference by 8.2.

§ 974.51 Class prices.

Subject to the provisions of §§ 974.52, 974.53 and 974.55 the minimum class prices for producer milk per hundredweight for the month shall be determined by the market administrator as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month, plus \$1.10 and plus or minus a "supply-demand adjustment" computed as follows:

(1) Compute a "current utilization percentage" by dividing the total receipts of producer milk during the second and third preceding months by the total gross pounds of Class I milk and Class II milk pursuant to § 974.41(b)(2) (less ending inventory and adjusted to eliminate duplications due to interhandler transfers) for the same months, multiplying the result by 100, and rounding to the nearest integer.

(2) Compute a "net utilization percentage" by subtracting (algebraically) from the current utilization percentage the following appropriate "standard utilization percentage".

Month for which a price is being computed:	Standard utilization percentage
January	127
February	129
March	126
April	124
May	125
June	130
July	141
August	160
September	156
October	137
November	128
December	130

(3) Determine the amount of the supply-demand adjustment from the following table:

Net utilization percentage:	Supply-demand adjustment (cents per hundredweight)
+16 or over	-38
+12 or +13	-28
+8 or +9	-20
+4 or +5	-10
+1 or -1	0
-4 or -5	+10
-8 or -9	+20
-12 or -13	+28
-16 or under	+38

Provided, That when the net utilization percentage is between two tabulated brackets, the supply-demand adjustment shall be determined by the tabulated bracket which is adjacent to the net utilization percentage and is the same as or the nearer to the bracket used in the immediately preceding month.

(b) *Class II milk*. The price for Class II milk shall be the basic formula price for the preceding month plus \$0.70 and plus or minus the supply-demand adjustment computed pursuant to paragraph (a) of this section.

(c) *Class III milk*. The price for Class III milk shall be the basic formula price, adjusted during the months of August through March, by 26 percent of any plus supply-demand adjustment computed pursuant to paragraph (a) of this section rounded to the nearest one-tenth cent and plus the following amount for the specified month:

Month	Amount (dollars)
August through March	0.55
April through July	.50

(d) *Class IV milk*. The price for Class IV milk shall be the sum of the values computed pursuant to § 974.50(b) (1) and (2) minus 12 cents for the months of April through July and minus 5 cents for the months of August through March.

§ 974.52 Butterfat differentials to handlers.

For each one-tenth of one percent that the weighted average butterfat test of producer milk which is classified in each class for each handler is more or less than 3.5 percent there shall be added to or subtracted from, as the case may be, the price for such class a butterfat differential calculated by the market administrator as follows:

(a) *Class I and Class II milk*. Multiply the Class I price for the month by 0.0172 and round to the nearest one-tenth cent: *Provided*, That the Class I and Class II butterfat differential shall not be less than the differential computed pursuant to paragraph (b) of this section for the current month.

(b) *Class III milk*. Multiply the Chicago butter price by the following factor for the specified month and round to the nearest one-tenth cent:

Month	Factor
August through March	0.126
April through July	0.124

(c) *Class IV milk*. Multiply the Chicago butter price by 0.115.

§ 974.53 Location differentials to handlers.

For that producer milk which is received at a pool plant located 80 miles or more from the State capitol in Columbus, Ohio, by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred to another pool plant in the form of a fluid milk product and assigned to Class I or Class II milk pursuant to the proviso of this section, or otherwise classified as Class I milk or Class II milk, the prices specified in § 974.51 (a) and (b) shall be reduced at the rate set forth in the following schedule according to

the location of the pool plant where such milk is received from producers:

Distance from the Ohio State capitol (miles):	Rate per hundredweight (cents)
80 but less than 90	15.0
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class IV, and Class III milk in the transferee plant after making the calculations prescribed in § 974.46 (a) (3), and the comparable steps in § 974.46(b) for such plant, such assignment to transferee-plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 974.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 974.55 Prices of Class I and Class II milk disposed of in other Federal order markets.

The price of Class I milk and Class II milk disposed of from a pool plant in the marketing area of another Federal milk marketing order or agreement, issued pursuant to the Act, shall be the price applicable at such plant under the Columbus order, or the price applicable at such plant for milk or similar use or disposition pursuant to such other order, whichever is higher.

§ 974.56 Computation of prices of skim milk and butterfat.

The prices per hundredweight of skim milk and butterfat to be paid by each handler for milk in each class shall be computed and announced to handlers by the market administrator on or before the dates for announcing the corresponding class prices pursuant to § 974.22(i) as follows:

For each class, respectively, the price per hundredweight of skim milk shall be the applicable class price for the month (§ 974.51 (a), (b), (c) and (d) or § 974.55) less the result of multiplying the applicable class price butterfat differential for the month (§ 974.52 (a), (b), and (c)) by 35. For each class, respectively, the price per hundredweight of butterfat shall be the applicable class price for the month plus the result of multiplying the applicable class butterfat differential for the month by 965.

DETERMINATION OF UNIFORM PRICE

§ 974.60 Net obligation of each handler.

The net obligation of each handler for producer milk received during the month shall be a sum of money computed as follows:

(a) Multiply the pounds of skim milk and butterfat, respectively, in producer milk in each class by the applicable class prices pursuant to § 974.56 and add together the resulting amounts;

(b) Add the amount(s) computed by multiplying the pounds deducted from each class for such handler pursuant to § 974.46(a) (7) and the corresponding step of § 974.46(b) by the applicable class prices;

(c) Subtract an amount computed as follows: Multiply the difference between the Class III and the Class IV price for skim milk by the skim milk in producer milk in excess of the skim milk classified as Class I, Class II and Class III milk (other than that used to produce condensed skim milk) in any of the months of April, May, June and July which is disposed of in such month from the pool plant of such handler in the form of condensed skim milk to a plant whose supply of skim milk and butterfat is not required to be approved as Grade A milk by a duly constituted health authority;

(d) Add an amount computed as follows: Multiply the amount of skim milk and butterfat, respectively, subtracted pursuant to the proviso in § 974.46(a) (3) by the difference between the current month's prices for the class in which such skim milk and butterfat was originally classified and the prices of the class from which it is subtracted during the month; and

(e) Add or subtract, as the case may be, any amount due the producer-settlement fund or the handler as a result of errors discovered by the market administrator in the verification of reports or payments of such handler for any previous month.

§ 974.61 Computation of uniform price.

For each month, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 974.60 for all handlers except those who did not make payments pursuant to § 974.71 for the previous month;

(b) Subtract for each of the months of April, May, June and July an amount computed by multiplying the hundredweight of milk received from producers during the month by 35 cents;

(c) Add for each to the months of September, October, and November, 20, 30 and 30 percent, respectively, and for December the balance of the total amount subtracted during the immediately preceding April-July period pursuant to paragraph (b) of this section;

(d) Add the sum of the values of the location differentials allowable pursuant to § 974.74;

(e) Subtract, if the weighted average butterfat test of all producer milk represented in the sum computed pursuant to paragraph (a) of this section is greater than 3.5 percent; or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by such difference and multiply the result by the butterfat differential computed pursuant to § 974.73 times 10;

(f) Add not less than one-half of the unobligated balance in the producer-settlement fund;

(g) Divide by the hundredweight of producer milk; and

(h) Subtract not less than 4 cents nor more than 5 cents.

§ 974.62 Notification of handlers.

The market administrator shall:

(a) On or before the 10th day after the end of each month, notify each handler who operates a pool plant:

(1) The amount and value of his milk in each class pursuant to § 974.60;

(2) The totals of such amounts and values due the producer-settlement fund pursuant to § 974.71; and

(3) The amount to be paid by such handler pursuant to § 974.76.

(b) On or before the 20th day after the end of each month, notify each handler who operates a fluid milk plant, not a pool plant:

(1) The amount due the producer-settlement fund pursuant to § 974.63; and

(2) The administrative assessment to be paid by such handler pursuant to § 974.63.

§ 974.63 Obligation of handlers operating a fluid milk plant which is a non-pool plant.

On or before the 25th day after the end of each month, each handler operating a fluid milk plant which is a nonpool plant shall pay to the market administrator the amounts computed pursuant to paragraph (a) of this section, unless the handler elects at the time of reporting pursuant to § 974.30 to pay the amounts computed pursuant to paragraph (b) of this section.

(a) An amount (1) for deposit in the producer-settlement fund, equal to the value of all skim milk and butterfat disposed of from such plant as Class I milk (computed in accordance with § 974.45) on routes in the marketing area during the month at the Class I prices applicable at the location of such plant, less the value of such skim milk and butterfat at the Class IV prices and (2) for administrative assessment, the rate specified in § 974.76 with respect to the Class I milk disposed of from such plant in the marketing area during the month; and

(b) An amount (1) for deposit in the producer-settlement fund; equal to any plus amount remaining after deduction from the value that would have been computed pursuant to § 974.60 for such nonpool plant and a supply plant(s) as defined pursuant to § 974.9(b) which serves as a regular source of supply of milk for such nonpool plant if such plant(s) were a pool plant: (i) The gross payment made by such handler on or before the 18th day after the end of the month for milk received during the month from dairy farmers described in § 974.12(a) at such plant or at a plant which serves as a supply plant for such plant and (ii) any payments made in accordance with provisions similar to those contained in paragraphs (a) (1) of this section and subparagraph (1) of this paragraph applicable to such plant as a partially regulated plant under another order issued pursuant to the Act and (2) for administrative assessment, an amount equal to that which would have been computed pursuant to § 974.76 if such plant were a pool plant

during the month, except that if such plant is also a partially regulated plant under another order issued pursuant to the Act and the Class I sales in such other marketing area exceeded those made in the Columbus marketing area during the month, the payments due under this subparagraph shall be reduced by the amount of any payments for administrative assessment under such other order.

§ 974.64 Plants subject to other Federal orders.

The provisions of this part shall not apply to a milk plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to § 974.10 and a greater volume of fluid milk products is disposed of from such plant to pool plants and to retail or wholesale outlets located in the Columbus, Ohio, marketing area than in the marketing area regulated pursuant to such other order during the current month and each of the three months, immediately preceding: *Provided*, That the operator of a plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

PAYMENTS

§ 974.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 974.63 and 974.71 shall be deposited in this fund, and all payments made pursuant to § 974.72 (a) and (b) shall be made out of this fund; and

(b) All amounts subtracted pursuant to § 974.61(b) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 974.72 in accordance with the requirements of § 974.61(c).

§ 974.71 Payments to producer-settlement fund.

On or before the 12th day after the end of each month, each handler shall pay to the market administrator his obligation for milk for such month of which he is notified pursuant to § 974.62(a), less (a) the amount of deductions authorized pursuant to § 974.72(a) (4) and itemized on the handler's producer payroll: *Provided*, That such deductions for each individual producer shall not exceed the total value of the milk received from such producer during the month, and (b) an amount not to exceed the value of milk received from producers to whom the request to make payment pursuant to § 974.72(c), applies computed at the rate of the uniform price adjusted by the butterfat and location differentials pursuant to § 974.73 and § 974.74.

§ 974.72 Payments to producers.

(a) Except as provided in paragraph (c) of this section, on or before the 16th day after the end of each month, the market administrator shall make payment to each producer for milk received from him during the month by each handler from whom the appropriate payments have been received pursuant to § 974.71(a) at the uniform price computed pursuant to § 974.61 subject to the following adjustments:

(1) The butterfat differential pursuant to § 947.73;

(2) The location differential pursuant to § 974.74;

(3) Less marketing service deductions pursuant to § 974.77(a);

(4) Less proper deductions authorized in writing by the producer: *Provided*, That for producers who are members of a cooperative association which receives payment for milk pursuant to paragraph (b) of this section, such authorization for hauling and assignments shall be by the cooperative association; and

(5) Adjusted for any error in making payment to such producer for past months: *Provided*, That if the balance in the producer-settlement fund not otherwise obligated is insufficient to make all payments pursuant to this section, the market administrator shall reduce such payments pro rata and shall complete such payments on or before the next date for making payments pursuant to this section following that on which such balance of payment is received;

(b) In making payments to producers pursuant to paragraph (a) of this section, the market administrator shall pay on or before the 14th day after the end of the month to:

(1) A cooperative association qualified under § 974.77(b) which is authorized to collect payment for milk of its members and from which a written request for such payment has been received, the aggregate of the payments calculated pursuant to paragraph (a) of this section for all producers certified to the market administrator by such cooperative association as having authorized such association to receive such payments, and

(2) Each handler an amount, if any, by which payments to producers for milk required pursuant to paragraph (c) of this section, before deductions for marketing services, exceeds the amount deducted pursuant to § 974.71 (a) and (b) with respect to such milk.

(c) On or before the 16th day after the end of each month, each handler shall pay each producer, who is not a member of a cooperative association qualified pursuant to § 974.77(b) and for whom a written request to make payments has been filed by the handler with the market administrator, for milk received from him during the month at not less than the uniform price as adjusted pursuant to paragraphs (a) (1), (2), (3), and (4) of this section; and

(d) In making the payments to producers pursuant to paragraphs (a), (b), and (c) of this section, the payer shall furnish each producer or cooperative

association, as the case may be, with a supporting statement which shall show for each month:

- (1) The month and the identity of the handler and the producer;
- (2) The total pounds and the average butterfat content of milk received from such producer;
- (3) The minimum rate or rates at which payment to such producer is required pursuant to this part;
- (4) The amount or the rate per hundredweight of milk and nature of each deduction, claimed by the handler; and
- (5) The net amount of payment to such producer.

§ 974.73 Butterfat differential to producers.

In making payment for producer milk pursuant to § 974.72, there shall be added to or subtracted from, respectively, the uniform price per hundredweight for each one-tenth of one percent of butterfat content in such milk above or below 3.5 percent a butterfat differential computed by the market administrator as follows:

- (a) Compute the percentage that the butterfat in producer milk remaining in each class pursuant to § 974.46 is of the total butterfat in producer milk so assigned to such classes;
- (b) Multiply each such percentage by the butterfat differential for the respective class pursuant to § 974.52; and
- (c) Add into one total the values obtained in paragraph (b) of this section and round off such total to the nearest one-tenth cent.

§ 974.74 Location differential to producers.

In making payment for producer milk pursuant to § 974.72, the uniform price for all producer milk received at a pool plant located 80 miles or more by the shortest hard-surfaced highway distance from the Ohio State Capitol in Columbus, as determined by the market administrator, shall be reduced by the appropriate zone differential provided in § 974.53.

§ 974.75 Adjustment of errors.

Whenever audit by the market administrator of the payment required to be made by a handler pursuant to § 974.63, § 974.71 or § 974.72, discloses payment of less than is required, the handler shall make up such payment not later than the time for making such payments next following such disclosure.

§ 974.76 Expense of administration.

As his pro rata share of expense incurred in the maintenance and function of the office of the market administrator and in the performance of his duties, each handler shall pay to the market administrator on or before the 12th day after the end of the month, two cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, with respect to all receipts at his pool plant during the month of producer milk and other source milk received in the form of a fluid milk product. A handler operating a fluid milk plant which is a nonpool plant shall make administrative assessment payments in accordance with § 974.63.

§ 974.77 Marketing services.

(a) Except as set forth in paragraph (b) of this section, the market administrator or handler, as the case may be, shall deduct 5 cents per hundredweight or such amount not to exceed 5 cents as the Secretary may from time to time prescribe, from the payments made to each producer pursuant to § 974.72 (a) or (c). Such deductions made by the handler shall be paid to the market administrator on or before the 12th day after the end of the month. Such moneys shall be used by the market administrator to check weights, samples, and tests of producer milk received by handlers and to provide producers with market information, such service to be performed by the market administrator or by an agent engaged by and responsible to him;

(b) In the case of producers for whom a cooperative association which, as determined by the Secretary, has its entire activities under the control of its members and is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, the market administrator shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and, on or before the 14th day after the end of each delivery period, pay over such deductions to the cooperative association rendering such services.

§ 974.78 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 974.63, 974.71, 974.72, 974.75, 974.76, or 974.77 shall be increased one-half of one percent each month or fraction thereof, compounded monthly, until such obligation is paid.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 974.80 Effective time.

The provisions of this part or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 974.81.

§ 974.81 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds that this part or any provision of this part obstructs, or does not tend to effectuate the declared policy of the Act. This part shall terminate, in any event, whenever the provisions of the Act authorizing it cease to be in effect.

§ 974.82 Continuing power and duty of the market administrator.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator,

or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(a) The market administrator, or such other person as the Secretary may designate, shall:

(1) Continue in such capacity until discharged by the Secretary;

(2) From time to time account for all receipts and disbursements, and when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person to such person as the Secretary may direct; and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

(b) Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 974.90 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 974.91 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

§ 974.92 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c(15) (A) of the Act or before a Court.

(a) The obligation of any handler to pay money required to be paid under the

terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;
 (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
 (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15) (A) of the Act, a petition claiming such money.

Issued at Washington, D.C., this 20th day of March 1959, to be effective on and after the 1st day of April 1959.

[SEAL] CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-2491; Filed, Mar. 24, 1959; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), AND NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS): PROHIBITED AND RESTRICTED IMPORTATIONS

Nonexistence of Rinderpest and Foot-and-Mouth Disease in the Channel Islands

On February 17, 1959, there was published in the FEDERAL REGISTER (24 F.R. 1216) a notice of a proposed determination of the nonexistence of rinderpest and foot-and-mouth disease in the Channel Islands, and of a proposed amendment of the regulations imposing prohibitions and restrictions on the importation of certain animals and animal products on account of such diseases. In connection with this notice no adverse comments were received, and pursuant to the provisions of section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306, Pub. Law 85-867), and section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), it has been determined, and the Secretary of the Treasury has been notified, that rinderpest and foot-and-mouth disease do not now exist in the Channel Islands, and the regulations relating to prohibitions and restrictions upon importations of certain animals and products because of rinderpest, foot-and-mouth disease, fowl pest (fowl plague), and Newcastle disease (avian pneumoencephalitis), are hereby amended as follows:

In § 94.1(a) (4) in the exception, insert the words "the Channel Islands," after the word "Australia" and before the word "Greenland".

This removes the present prohibitions under section 306 of The Tariff Act upon the importation from the Channel Islands into the United States of the animals and meats specified in paragraph (b) of § 94.1, and renders the commodities specified in § 94.2 through § 94.5 of said Part 94, as amended, and originating in the Channel Islands, no longer subject to the provisions of that part.

The foregoing amendment relieves restrictions and may be made effective less than 30 days after publication in the FEDERAL REGISTER, under section 4 of the Administration Procedure Act (5 U.S.C. 1003).

The foregoing amendment shall become effective upon issuance.

(Sec. 306, 46 Stat. 689, as amended, sec. 2, 32 Stat. 792, as amended; 19 U.S.C. 1306, 21 U.S.C. 111.)

Done at Washington, D.C., this 20th day of March 1959.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59-2494; Filed, Mar. 24, 1959; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 224—DISCOUNT RATES

Miscellaneous Amendments

Pursuant to section 14(d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under section 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships or corporations other than member banks) are:

Federal Reserve Bank of	Rate	Effective
Boston.....	3	Mar. 10, 1959
New York.....	3	Mar. 6, 1959
Philadelphia.....	3	Mar. 6, 1959
Cleveland.....	3	Mar. 13, 1959
Richmond.....	3	Mar. 13, 1959
Atlanta.....	3	Mar. 16, 1959
Chicago.....	3	Mar. 6, 1959
St. Louis.....	3	Mar. 13, 1959
Minneapolis.....	3	Mar. 16, 1959
Kansas City.....	3	Mar. 13, 1959
Dallas.....	3	Mar. 6, 1959
San Francisco.....	3	Mar. 12, 1959

2. Section 224.3 is amended to read as follows:

§ 224.3 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of	Rate	Effective
Boston.....	3½	Mar. 10, 1959
New York.....	3½	Mar. 6, 1959
Philadelphia.....	3½	Mar. 6, 1959
Cleveland.....	3½	Mar. 13, 1959
Richmond.....	3½	Mar. 13, 1959
Atlanta.....	3½	Mar. 16, 1959
Chicago.....	3½	Mar. 6, 1959
St. Louis.....	3½	Mar. 13, 1959
Minneapolis.....	3½	Mar. 16, 1959
Kansas City.....	3½	Mar. 13, 1959
Dallas.....	3½	Mar. 6, 1959
San Francisco.....	3½	Mar. 12, 1959

3. Section 224.4 is amended to read as follows:

§ 224.4 Advances to persons other than member banks.

The rates for advances to individuals, partnerships or corporations other than

member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

Federal Reserve Bank of	Rate	Effective
Boston.....	4½	Mar. 10, 1959
New York.....	4	Nov. 7, 1958
Philadelphia.....	4	Sept. 19, 1958
Cleveland.....	4	Oct. 30, 1958
Richmond.....	4½	Mar. 13, 1959
Atlanta.....	4½	Oct. 28, 1958
Chicago.....	4½	Mar. 6, 1959
St. Louis.....	4	Mar. 13, 1959
Minneapolis.....	4½	Mar. 16, 1959
Kansas City.....	4½	Mar. 13, 1959
Dallas.....	4½	Oct. 24, 1958
San Francisco.....	4½	Mar. 12, 1959

§ 224.5 [Amendment]

4. Section 224.5 relating to rates on advances to industrial and commercial business (including loans made in participation with financial institutions) under section 13b of the Federal Reserve Act, is amended so as to change the percentage rate on loans for the Federal Reserve Bank of Atlanta from 3½-5½ to 4-6, and on commitments from 1-1½ to 1-1½, effective March 16, 1959.

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interpret or apply sec. 14(d), 38 Stat. 264, as amended; 12 U.S.C. 357)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 59-2477; Filed, Mar. 24, 1959;
8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7244]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

H. S. Stuttman Co. et al.

Subpart—*Advertising falsely or misleadingly*: § 13.20 *Comparative data or merits*; § 13.140 *Old, reclaimed, or reused as new*. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure*: § 13.1880 *Old, used, reclaimed, or reused as unused or new*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, H. S. Stuttman Co. et al., New York, N.Y., Docket 7244, Feb. 10, 1959]

In the Matter of H. S. Stuttman Co., a Corporation, and Harry S. Stuttman, Burton Stuttman, and Martin Stuttman, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging New York City sellers of the one-volume "Webster's Unified Dictionary and Encyclopedia" which drew its basic material from two

older works, with representing falsely in advertising and on the title page that said "Dictionary" was a new publication, that all information therein was complete and up-to-date, and that it contained all the facts, features, and material of a giant dictionary and a multi-volumed encyclopedia set.

Following acceptance of an agreement providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on February 10 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent H. S. Stuttman Co., a corporation, and its officers, and respondent Harry S. Stuttman, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act of Webster's Unified Dictionary and Encyclopedia, or any other book or publication of the same general character whether sold under the same or any other title, do forthwith cease and desist from:

1. Representing, directly or by implication, that Webster's Unified Dictionary and Encyclopedia is a new publication, provided that this shall not be construed to forbid respondents from representing that the manner of presentation of the information in such book is new.

2. Representing, directly or by implication, that the information in Webster's Unified Dictionary and Encyclopedia is complete or up-to-date.

3. Representing, directly or by implication that Webster's Unified Dictionary and Encyclopedia contains all of the facts, features and materials of a giant dictionary and a multi-volumed encyclopedia set.

4. Offering for sale, selling or distributing books or other publications consisting wholly or substantially of reprints of previously published books or other publications, unless:

(a) The fact that they are reprints or contain reprinted material and the titles of the previously published books or other publications is clearly disclosed on the title page in immediate conjunction with the title or in another position adapted readily to attract the attention of a prospective purchaser; and

(b) The fact that they are reprints or contain reprinted material is clearly disclosed in all advertising.

It is further ordered, That the complaint herein be dismissed as to respondents Burton Stuttman and Martin Stuttman.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents H. S. Stuttman Co., a corporation, and Harry S. Stuttman, individually and as an officer of the corporate respondent, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting

forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 10, 1959.

By the Commission.

[SEAL] ROBERT M. FARRISH
Secretary.

[F.R. Doc. 59-2478; Filed, Mar. 24, 1959;
8:46 a.m.]

[Docket 7151]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Puget Sound Brokerage Co.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2(c): § 13.817 *Cutting brokerage fees*; § 13.821 *Freight rebates*;¹ § 13.822 *Lowered price to buyers*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist order, Helen E. Hinde et al. trading as Puget Sound Brokerage Co., Seattle, Wash., Docket 7151, February 17, 1959]

In the Matter of Helen E. Hinde, and Elizabeth B. Swenson, Individually and as Copartners Trading as Puget Sound Brokerage Co.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging primary brokers of sea food products in Seattle, Wash., with violating the brokerage section of the Clayton Act (Sec. 2(c)), by granting to certain buyers of canned salmon, deductions from price by way of allowances or rebates, a part or all of which was not charged back to their packer-principals, in such transactions as invoicing buyers, including buying agents of food chains, at a lower price per case than they accounted for to the packer-principals and absorbing the difference out of their brokerage; granting a 10¢ a case promotional allowance to the purchaser in the form of a freight rebate; and taking 3% brokerage instead of 5% on sales involving price concessions to certain buyers.

Following a hearing at which respondents declined to present evidence, the hearing examiner made his initial decision including findings, conclusions, and order to cease and desist, which became on February 17 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents Helen E. Hinde and Elizabeth B. Swenson, individually and as copartners trading as Puget Sound Brokerage Co., and their agents, representatives and employees, directly or through any corporate, partnership, or other device, or trading under any other name, in connection with the sale of seafood products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

¹ New.

Paying, granting, or passing on, either directly or indirectly, to any buyer, or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of such buyer, brokerage earned or received by Respondents on sales made for their packer-principals, by allowing to buyers lower prices which reflect all or any part of such brokerage, or by granting them allowances or rebates in lieu of such brokerage, or by any other methods or means.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents, Helen E. Hinde and Elizabeth B. Swenson, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the aforesaid initial decision.

Issued: February 17, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-2479; Filed, Mar. 24, 1959;
8:46 a.m.]

[Docket 5872]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Thompson Products, Inc.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended—Price discrimination under 2(a): § 13.715 Charges and price differentials.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist order, Thompson Products, Inc., Cleveland, Ohio., Docket 5872, February 19, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in Cleveland, Ohio, with violating section 2(a) of the Clayton Act by selling its automotive products and supplies at higher and less favorable prices to numerous small businessmen than to various larger purchasers competing with them and with purchasers from its competitors.

On the record made in the usual adversary proceedings, the hearing examiner made his initial decision including findings as to the facts, conclusions drawn therefrom, and order to cease and desist, from which respondent appealed. After hearing the matter, the Commission denied the appeal, modified the language in the examiner's order for clarity, and on February 19 adopted the initial decision as thus modified as the decision of the Commission.

The order to cease and desist, as thus modified, is as follows:

It is ordered, That the respondent Thompson Products, Inc., a corporation, and its officers, representatives, agents

and employees, directly or through any corporate or other device, in connection with the sale for replacement purposes of automotive replacement parts in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating in the price of such products of like grade and quality: By selling said replacement parts to any manufacturer of automotive vehicles or any other original equipment manufactured at net prices which are lower than the net prices paid by any other direct or indirect purchaser who, in fact, competes with said manufacturer in the resale and distribution of such replacement parts: Provided, however, That nothing herein shall prohibit the respondent from showing as a defense in any proceeding instituted for enforcement of this order that its differing prices make only due allowance for differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which such products are sold or delivered.

By Final Order", report of compliance was required as follows:

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

It is further ordered, That the initial decision, as modified herein, be, and it hereby is, adopted as the decision of the Commission.

Issued: February 19, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-2480; Filed, Mar. 24, 1959;
8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 54811]

PART 9—IMPORTATIONS BY MAIL

Cigars

To remove a procedural provision now superseded, relating to the duties and taxes due on a mail entry and collected by the postal service, § 9.8(a)(3) of the regulations, effective February 1, 1959, is amended by inserting a period after "importer" in the last sentence, and by deleting the remainder of the sentence. (R.S. 161, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22; 19 U.S.C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: March 17, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-2501; Filed, Mar. 24, 1959;
8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Artificially Sweetened Canned Fruits; Order Establishing Identity Standards

In the matter of amending the definitions and standards of identity for certain canned fruits to provide for the use of artificial sweeteners and adopting definitions and standards of identity for certain artificially sweetened canned fruits:

A notice of proposed rule making was published in the FEDERAL REGISTER of May 28, 1957 (22 F.R. 3733), setting forth proposals of the National Canners Association, 1133 20th Street NW., Washington, D.C., to amend the definitions and standards of identity for canned peaches, apricots, pears, cherries, fruit cocktail, and figs—to provide for the use of artificially sweetened packing media. This notice also set forth the proposal made by the Commissioner of Food and Drugs on his own initiative that definitions and standards of identity be established for the following canned fruits: Artificially sweetened peaches, artificially sweetened apricots, artificially sweetened pears, artificially sweetened cherries, artificially sweetened fruit cocktail, and artificially sweetened figs. This notice invited all interested persons to submit views and comments on both proposals.

Several comments were concerned with making sure that artificially sweetened canned fruits would bear labeling in compliance with those regulations promulgated pursuant to section 403(j) of the Federal Food, Drug, and Cosmetic Act which prescribe label statements for foods purporting to be or represented for special dietary use. It is unnecessary to include a provision in each standard of identity calling attention to the necessity for labeling artificially sweetened canned fruit in compliance with the requirements of the regulations under section 403(j) because, as pointed out by the general regulation in 21 CFR 10.1, nothing in a food standard may be construed as affecting the concurrent applicability of the general provisions of the act and the regulations thereunder.

Upon consideration of the views and comments submitted and other relevant information, it is concluded that to promote honesty and fair dealing in the interest of consumers the standards for the named canned fruits should not be amended to provide for the use of artificially sweetened packing media but that, instead, definitions and standards of identity for artificially sweetened canned fruits should be adopted as hereinafter set forth.

Now, therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 62 Stat. 991; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (23 F.R. 9500): *It is ordered*, That the following definitions and standards of identity be established:

§ 27.5 Artificially sweetened canned peaches; identity; label statement of optional ingredients.

(a) Artificially sweetened canned peaches is the food which conforms to the definition and standard of identity prescribed for canned peaches by § 27.1, except that in lieu of a packing medium specified in § 27.1(c), the packing medium used is water artificially sweetened with saccharin, sodium saccharin, calcium cyclamate, sodium cyclamate, or any combination of two or more of these. Such packing medium may be thickened with pectin.

(b) (1) The specified name of the food is "artificially sweetened _____," the blank being filled in with the name prescribed by § 27.1 for canned peaches having the same optional peach ingredient.

(2) The artificially sweetened food is subject to the requirements for label statement of optional ingredients used, as prescribed for canned peaches by § 27.1. If the packing medium is thickened with pectin, the label shall bear the statement "thickened with pectin."

§ 27.14 Artificially sweetened canned apricots; identity; label statement of optional ingredients.

(a) Artificially sweetened canned apricots is the food which conforms to the definition and standard of identity prescribed for canned apricots by § 27.10, except that in lieu of a packing medium specified in § 27.10(c), the packing medium used is water artificially sweetened with saccharin, sodium saccharin, calcium cyclamate, sodium cyclamate, or any combination of two or more of these. Such packing medium may be thickened with pectin.

(b) (1) The specified name of the food is "artificially sweetened _____," the blank being filled in with the name prescribed by § 27.10 for canned apricots having the same optional apricot ingredient.

(2) The artificially sweetened food is subject to the requirements for label statement of optional ingredients used, as prescribed for canned apricots by § 27.10. If the packing medium is thickened with pectin, the label shall bear the statement "thickened with pectin."

§ 27.24 Artificially sweetened canned pears; identity; label statement of optional ingredients.

(a) Artificially sweetened canned pears is the food which conforms to the definition and standard of identity prescribed for canned pears by § 27.20, except that in lieu of a packing medium specified in § 27.20(c), the packing medium used is water artificially sweetened with sac-

charin, sodium saccharin, calcium cyclamate, sodium cyclamate, or any combination of two or more of these. Such packing medium may be thickened with pectin.

(b) (1) The specified name of the food is "artificially sweetened _____," the blank being filled in with the name prescribed by § 27.20 for canned pears having the same optional pear ingredient.

(2) The artificially sweetened food is subject to the requirements for label statement of optional ingredients used, as prescribed for canned pears by § 27.20. If the packing medium is thickened with pectin, the label shall bear the statement "thickened with pectin."

§ 27.34 Artificially sweetened canned cherries; identity; label statement of optional ingredients.

(a) Artificially sweetened canned cherries is the food which conforms to the definition and standard of identity prescribed for canned cherries by § 27.30, except that in lieu of a packing medium specified in § 27.30(c), the packing medium used is water artificially sweetened with saccharin, sodium saccharin, calcium cyclamate, sodium cyclamate, or any combination of two or more of these. Such packing medium may be thickened with pectin.

(b) (1) The specified name of the food is "artificially sweetened _____," the blank being filled in with the name prescribed by § 27.30 for canned cherries having the same optional cherry ingredient.

(2) The artificially sweetened food is subject to the requirements for label statement of optional ingredients used, as prescribed for canned cherries by § 27.30. If the packing medium is thickened with pectin, the label shall bear the statement "thickened with pectin."

§ 27.43 Artificially sweetened canned fruit cocktail; identity; label statement of optional ingredients.

(a) Artificially sweetened canned fruit cocktail is the food which conforms to the definition and standard of identity prescribed for canned fruit cocktail by § 27.40, except that in lieu of a packing medium specified in § 27.40(c), the packing medium used is water artificially sweetened with saccharin, sodium saccharin, calcium cyclamate, sodium cyclamate, or any combination of two or more of these. Such packing medium may be thickened with pectin.

(b) (1) The specified name of the food is "artificially sweetened fruit cocktail."

(2) Artificially sweetened fruit cocktail is subject to the requirements for label statement of optional ingredients used, as prescribed for canned fruit cocktail by § 27.40. If the packing medium is thickened with pectin, the label shall bear the statement "thickened with pectin."

§ 27.73 Artificially sweetened canned figs; identity; label statement of optional ingredients.

(a) Artificially sweetened canned figs is the food which conforms to the definition and standard of identity prescribed for canned figs by § 27.70, except that in

lieu of a packing medium specified in § 27.70(c), the packing medium used is water artificially sweetened with saccharin, sodium saccharin, calcium cyclamate, sodium cyclamate, or any combination of two or more of these. Such packing medium may be thickened with pectin.

(b) (1) The specified name of the food is "artificially sweetened _____," the blank being filled in with the name prescribed by § 27.70 for canned figs having the same optional fig ingredient.

(2) The artificially sweetened food is subject to the requirements for label statement of optional ingredients used, as prescribed for canned figs by § 27.70. If the packing medium is thickened with pectin, the label shall bear the statement "thickened with pectin."

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the *FEDERAL REGISTER* file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, shall specify with particularity the provisions of the order deemed objectionable, the grounds for the objections, and shall request a public hearing. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 90 days from the date of its publication in the *FEDERAL REGISTER*, except as to any provisions that may be stayed by the filing of objections thereto. Notice of the filing of objections, or lack thereof, will be announced by publication in the *FEDERAL REGISTER*.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: March 19, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 59-2502; Filed, Mar. 24, 1959; 8:50 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 221—TIMBER

Miscellaneous Amendments

By virtue of the authority vested in the Secretary of Agriculture, Regulations S-3, S-6 and S-8 of the rules and regulations governing the occupancy, use, protection and administration of the national forests, which constitute §§ 221.3, 221.6 and 221.8, Part 221, Chapter II, Title 36, Code of Federal Regulations, are hereby amended, effective upon publication in the *FEDERAL REGISTER*.

§ 221.3 [Amendment]

1. In paragraph (c) of § 221.3 strike out the words "the Territory of."

2. Section 221.6 is amended to read as follows:

§ 221.6 Authorization to make sales.

(a) The Chief, Forest Service, is authorized to make timber sales for any amount on any national forest, subject to the maximum cut fixed in accordance with established policies for management of the national forests. He may delegate, and provide for the redelegation of this authority, to subordinates for amounts not exceeding, in any one sale, 50 million feet board measure, or the equivalent thereof.

(b) The Chief, Forest Service, after approval of conditions of sale, may authorize Regional Foresters formally to execute timber sale contracts and related papers in sales exceeding the volume which the Regional Forester has been authorized to sell.

3. Section 221.8 is amended to read as follows:

§ 221.8 Advertisements and bids.

(a) Except as otherwise provided, each sale in which the appraised value of the timber or other forest products exceeds \$2,000 will be made only after advertisement for a period of 30 days or, if in the opinion of the officer authorizing the sale, the quantity, value or other conditions justify, a longer period; and any sale of smaller appraised value will be advertised or informal bids solicited from possible purchasers if, in the judgment of the officer authorizing the sale, such action is deemed advisable.

(b) If requested by Small Business Administration, in accordance with the Act of July 18, 1958 (72 Stat. 384), the advertisement may state that an offering of timber or other forest products is set aside for competitive bidding by small-business concerns. When an advertisement provides for a set aside it will state whether bids from others will be considered if no valid bid is received from a small-business concern.

(c) The advertisement will include:

(1) The location and estimated quantities of timber or other forest products offered for sale.

(2) The minimum acceptable stumpage or other Unit prices.

(3) The amount or rate of any required additional payments.

(4) The place where complete information on the offering may be obtained.

(5) The time and place at which (i) sealed bids will be opened publicly or (ii) opportunity to make oral or written bids will be given by auction.

(6) The amount of deposit which each bidder must make, or which must be made promptly by the successful bidder in an oral auction.

(7) The right to reject any and all bids.

(44 Stat. 242, 16 U.S.C. 616; sec. 1, 30 Stat. 35, as amended, 16 U.S.C. 476, 551. Interpret or apply sec. 8(c), 72 Stat. 339, 344; sec. 1, 30 Stat. 35, as amended, sec. 1, 33 Stat. 628; sec. 15, 72 Stat. 384, 395; 16 U.S.C. 476, 472)

Done in Washington, D.C., this 20th day of March 1959.

[SEAL]

E. L. PETERSON,

Assistant Secretary of Agriculture.

[F.R. Doc. 59-2516; Filed, Mar. 24, 1959; 8:52 a.m.]

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

Miscellaneous Amendments

The Secretary of the Army having determined that the use of Dexter Reservoir Area, Middle Fork Willamette River, Oregon, and Lookout Point Reservoir Area, Middle Fork Willamette River, Oregon, by the general public for boating, swimming, bathing, fishing and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, pursuant to the provisions of section 209 of the Flood Control Act of 1954 (68 Stat. 1266); and revokes regulations prohibiting houseboats on Garrison Reservoir Area, Missouri River, North Dakota, as follows:

1. Add new paragraphs (ttt) and (uuu) to § 311.1:

§ 311.1 Areas covered.

(ttt) Dexter Reservoir Area, Middle Fork Willamette River, Oregon.

(uuu) Lookout Point Reservoir Area, Middle Fork Willamette River, Oregon.

2. In § 311.4(a), revoke subparagraph (33) and add new subparagraphs (48) and (49), as follows:

§ 311.4 Houseboats.

(a) * * *

(33) [Revoked]

(48) Dexter Reservoir Area, Middle Fork Willamette River, Oregon.

(49) Lookout Point Reservoir Area, Middle Fork Willamette River, Oregon.

[Regs., Mar. 5, 1959, ENGWO] (Sec. 209, 68 Stat. 1266; 16 U.S.C. 460d)

[SEAL]

R. V. LEE,

Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-2474; Filed, Mar. 24, 1959; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULA- TIONS

Type Acceptance

The Commission having under consideration the desirability of making a certain editorial change in § 2.520 of its rules and regulations; and

It appearing that submission of type acceptance requests in duplicate will now provide sufficient copies for use by the Commission and

It further appearing, that the amendment adopted herein is editorial in nature and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary and the amendment may become effective immediately; and

It is ordered, This 19th day of March 1959, that, effective April 1, 1959, § 2.520 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: March 19, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL]

MARY JANE MORRIS,

Secretary.

Part 2 of the Commission's rules and regulations is amended as follows:

Amend § 2.520(b), by deleting the word "triplicate" in the second sentence and substituting therefor the word "duplicate." As amended, paragraph (b) will read as follows:

(b) A separate request for type acceptance shall be submitted for each different type of equipment. Each request shall be in duplicate, signed by the applicant or by a duly authorized representative who shall certify that the application was prepared by him or at his direction and that to the best of his knowledge and belief the facts set forth in the application and accompanying technical data are true and correct. The technical test data required to be submitted shall be certified by the engineer who performed or supervised the tests who shall attach a brief statement of his qualifications.

[F.R. Doc. 59-2504; Filed, Mar. 24, 1959; 8:51 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 903]

[Docket No. AO-10-A23]

MILK IN ST. LOUIS, MO., MARKETING AREA

Decision With Respect to Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at St. Louis, Missouri, on March 10, 1959, pursuant to notice thereof issued on March 3, 1959 (24 F.R. 1685).

The material issues on the record of the hearing related to:

1. The general level and seasonality of the Class I price and the relationship between the St. Louis Class I price and the Class I price set under the Ozarks milk marketing order; and

2. The need for emergency action by the Secretary with respect to Issue No. 1. No briefs were filed by interested parties.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. **Class I price.** The rate of supply-demand adjustment per point of indicated undersupply or oversupply should be changed to 2 cents for the months of April, May, and June, 1959, and for the months of September, October, and November 1959.

The supply-demand adjustment in the order serves to raise the Class I price whenever supplies are below normal in relation to Class I sales and to lower the price when excessive supplies are indicated. Under the present order, the rate of price adjustment is 1 cent per point during the flush production months of April, May, and June; 3 cents in the low production months of September, October, and November; and 2 cents in all other months.

The offsetting changes in the rate of the supply-demand adjustment will tend to improve the seasonal alignment of the St. Louis price in relation to prices in other markets. Increasing the rate in April, May, and June will raise the Class I and blend prices relative to those in the Ozarks market in Southwest Missouri where the respective milksheds overlap.

The milksheds for the Chicago and various Iowa markets constitute the most available sources of supplemental and alternative supplies for St. Louis. Under present conditions the St. Louis Class I price is lowest in relation to Class I prices in the Chicago and Iowa markets

during the months of April, May, and June and highest in September, October, and November. Therefore, increasing the rate of supply-demand adjustment in the spring months and reducing it in the fall months will serve further to lessen the extent of Class I price disparities which have existed between the St. Louis market and the more abundantly supplied markets to the north.

Six supply plants for the St. Louis market are located in southwest Missouri. These plants draw milk from the same territory as the Ozarks market and account for nearly a third of the total St. Louis supply. In recognition of this competitive situation, the Ozarks Class I price is fixed at 27 cents less than the St. Louis Class I price in all months of the year except April, May, and June. This price difference represents the amount of the St. Louis location adjustment computed to the center of the competitive area. In April, May, and June the Ozarks Class I price is fixed at 63 cents over the basic formula price while the St. Louis Class I price is set at 70 cents over the same basic formula price, plus or minus the supply-demand adjustment.

In April, May, and June 1958 the St. Louis supply-demand adjustment added 11, 12, and 11 cents, respectively, to the Class I price. Although the resulting Class I prices in each of these three months for the Ozarks and St. Louis markets differed by less than the 27 cents provided in other months, wider variations in seasonal supply in the Ozarks market resulted in Ozarks order blend prices in these months which were lower than St. Louis blend prices by 34, 38, and 33 cents, respectively, in April, May, and June.

Current prospects are that production and Class I sales in the St. Louis market during April, May, and June 1959 will be approximately the same as a year ago. In April 1959 the indicated undersupply of 11 points is identical to the undersupply which prevailed for April 1958. However, Class I utilization in the Ozarks market is likely to be substantially above that of a year ago because of increased sales and decreased supplies, improving the blend price for such market. The expectation of increased sales is based largely upon contracts for military bases which have been awarded to Ozarks handlers for the period January through June 1959. A decrease in supply is expected largely on the basis of shifts of Ozarks producers to markets to the south and west.

This prospect makes it imperative to increase the St. Louis supply-demand adjustment rate in such months this year. Increasing the rate to 2 cents per point in this manner will minimize any tendency for producers to shift from the St. Louis market to the Ozarks market.

The higher Class I price also will help to maintain and attract Grade A shippers for the St. Louis market in competition with manufacturing milk outlets. Manufacturing plants in both the Illi-

nois and Missouri portions of the St. Louis milkshed have announced premiums of from 40 to 45 cents per hundredweight to shippers who are equipped with mechanical refrigeration and who deliver more than a specified quantity of milk per day. Returns to manufacturing grade producers who can qualify for these premiums compare favorably during the flush months with returns to Grade A shippers in the distant zones. This tends to discourage any increase in Grade A production for the St. Louis market.

The Chicago and Iowa markets constitute the principal sources of supplementary milk for the St. Louis market. Because of the availability of substantial quantities of milk from these northern markets, it is important that the St. Louis Class I price be in reasonable alignment with Class I prices in the Chicago market and in those Iowa markets (Cedar Rapids-Iowa City, Des Moines, Dubuque, North Central Iowa, and Quad Cities) where the Class I price is directly related to the Chicago Class I price.

The independent supply-demand adjustments in the Chicago and St. Louis Class I prices provide at least a partial intermarket pricing device. In the Chicago market the adjustment has operated to provide the maximum, 24-cent reduction in recent months. St. Louis, on the other hand, has been short and the adjustment has added to the Class I price. If the St. Louis price rises to the point where supplies are attracted from the northern markets, the respective supply-demand adjustments will act to readjust the price differences and thus maintain reasonable alignment over a period of time with these important alternative sources of supply.

The purpose of this emergency action is to provide immediate, temporary relief to the spring supply problem which is expected in the St. Louis market. The amendment has not been designed to alter the annual average Class I price as the changes in the supply-demand adjustment rate are completely offsetting, although their effect on the Class I price will depend upon the supply-demand ratio for the months involved.

The proponents did not offer evidence on permanent changes in the level of the St. Louis Class I price. They indicated that more time would be required for a complete analysis of the problem and that they contemplated requesting another hearing in the near future to consider long-term changes in the Class I price.

2. **Emergency action.** The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto, on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. It is therefore found that good cause exists for omission of the recommended decision in order to

inform interested parties of the conclusions reached. Uncertainty on the part of interested parties might lead to instability in the market. Knowledge of the action decided upon by the Secretary will permit those affected to adjust their operations promptly in accordance with such decision.

Delay beyond April 1, 1959, will defeat the purpose of the amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereof, would make such relief substantially ineffective and therefore should be eliminated in this instance. The notice of hearing stated that consideration would be given to the question of whether economic and marketing conditions require emergency action with respect to any or all amendments deemed necessary as a result of the hearing. Action under the procedure described above was requested by proponents at the hearing.

General findings. (a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the prices of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order amending the order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the St. Louis, Missouri, Marketing Area" and "Order amending the order, regulating the handling of milk in the St. Louis, Missouri, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of January 1959 is hereby determined to be the representative period for the purpose of ascertain-

ing whether the issuance of the attached order amending the order, regulating the handling of milk in the St. Louis, Missouri marketing area, is approved or favored by producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 20th day of March, 1959.

[SEAL]

CLARENCE L. MILLER,
Assistant Secretary.

Order¹ Amending the Order Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area

§ 903.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 903.51 [Amendment]

In § 903.51(a) (2) delete the proviso and substitute therefor the following: "Provided, That for the months of April, May, June, September, October, and November 1959 such rate shall be two cents."

[F.R. Doc. 59-2493; Filed, Mar. 24, 1959; 8:49 a.m.]

[7 CFR Part 930]

[Docket No. AO-72-A22]

MILK IN TOLEDO, OHIO, MARKETING AREA

Decision With Respect to Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held at Toledo, Ohio, on November 24-25, 1958, pursuant to notice thereof issued on November 17, 1958 (23 F.R. 9032).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on March 6, 1959 (24 F.R. 1753) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order were formulated, was conducted at Toledo, Ohio, on November 24-25, 1958, pursuant to the notice thereof which was issued November 17, 1958 (23 F.R. 9032).

The material issues on the record of the hearing relate to:

1. Revision of the supply plant portion of the pool plant definition.
2. Addition of provisions for an "associate producer".
3. Elimination of the butter-cheese alternative basic formula price.
4. Revision in the seasonal pattern of the Class I differential.

Findings and conclusions. The following findings and conclusions on the material issues are based on the evidence presented at the hearing and the record thereof.

1. The regulation of supply plants. The producers' association proposed that the definition of a pool plant be changed so as to provide for the pricing of milk at a supply plant in any month that such plant furnishes milk to a distributing

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

plant, which is a pool plant, and such milk is allocated to Class I milk at the distributing plant.

Under the present order, a supply plant must furnish milk to a pool plant at least 15 days during any of the months of September through December and at least 7 days during any other month of the year to become a pool plant and subject to full regulation. It is possible, therefore, that the full supply of milk for a distributing plant during September through December and a substantial portion during other months may be obtained from sources which are not subject to minimum pricing and payment provisions.

At the present time, there is only one supply plant that is subject to regulation. This plant is operated by one of the handlers who also operates a distributing pool plant. There are three or four other supply plants which furnish milk to the market. The milk from these latter plants is considered as other source milk under the order.

During 1955 and 1956 approximately 29 percent of total Class I disposition was allocated to other source receipts. The corresponding figures for 1957 and the first 10 months of 1958 were 25 and 14 percent, respectively. Although on a marketwide basis receipts of other source milk show a downward trend, a substantial portion of Class I sales are still supplied from other source milk. Notwithstanding the fact that most, if not all, distributing plants secure a major portion of their requirements from producer milk, there has been a tendency for some plants to use milk from outside sources particularly during the fall and winter months while other plants depend exclusively on producer milk for their year-round supply. Furthermore, in each of the summer months of 1958 (the months when producer milk is in excess of Class I sales) other source milk was allocated to Class I milk and at the same time producer milk was transferred to nonpool plants for manufacturing. The regulation of supply plants is reasonable and necessary, therefore, to protect the integrity of the classified price plan.

Most of the other source milk is procured from plants not subject to regulation under an order. To the extent that unpriced other source milk is procured at less than the order Class I prices, handlers using such milk have a lower cost for Class I milk than handlers using producer milk. This undermines the effectiveness of the order in promoting the maximum marketwide use of the available supply of producer milk in Class I and results in different costs of Class I milk among handlers. The way is open for handlers to meet the increasing requirements for Class I milk in this market from unpriced milk and at the same time curtail their purchases from producers.

The lowering of the shipping standards for supply plants to become pool plants and consequently subject their milk to the pricing and payment provisions of the order would promote uniformity in the application of minimum prices for Class I milk among handlers. The regulation of the principal sources of supply will tend to encourage more

efficient allocation of the presently available supply of producer milk among pool plants. An improved marketwide allocation of producer milk among distributing plants would increase the utilization of producer milk in Class I and increase returns to producers for their milk. The regulation of supply plants which may supply only relatively small volumes of milk will not restrict the sources of supply to local producer milk.

Provision is made in the present order to exempt plants subject to the pricing and payment provisions of another order unless such plant supplies more milk to the Toledo marketing area than to the area in which the plant is regulated. There are a number of plants in Ohio, Indiana, Michigan and Wisconsin which are subject to regulation under other Federal orders and from which supplemental milk supplies may be drawn. If pool plants need and secure supplemental milk from such plants, both producers and handlers are assured that the Toledo order will not be undermined by purchases of unpriced milk on an opportunity basis.

Under an individual handler type of pool, as is used in the Toledo market, it is not necessary to require substantial association with the market before a plant may become a pool plant. It is reasonable, however, both from the viewpoint of the administration of the order and in recognition of unusual circumstances which could result in an emergency need for spot shipments of milk from unregulated plants, to make provision for an occasional shipment of milk without subjecting such plants to regulation.

It is concluded, therefore, that a supply plant should be a pool plant which furnishes milk, skim milk or cream to distributing pool plants in excess of 70,000 pounds per month and all or any part of the skim milk or butterfat contained in such products is allocated to Class I pursuant to the allocation provisions of the order.

2. The proposal for an associate producer clause should be denied.

Under the proposal, an associate producer would be a dairy farmer who had furnished milk to a pool plant during a specified previous period and the receipt of his milk had been discontinued at the handler's or another handler's pool plant for reasons other than failure of the milk to meet health ordinance requirements. Under such circumstances, if the farmer sold his milk to manufacturing outlets, his deliveries of milk would be included with the receipts and utilization of producer milk of the handler, who received his milk during the specified period, for the purpose of determining the handler's blend price to be paid producers. The handler would be required to pay such dairy farmer the difference between his blend price and the Class II price under the order.

The producers' association favored the associate producer clause as a means of accommodating the disposal of milk by dairy farmers who do not convert from can to bulk tank deliveries; and, to assist the cooperative association in maintaining a supply of reserve milk for plants which do not have manufacturing facil-

ities for reserve milk or do not choose to carry sufficient reserve supplies to meet their day-to-day or month-to-month variation in receipts or sales. The milk of certain producers would be assigned to certain plants for accounting purposes so that such milk would share in its proportionate share of the Class I utilization of such plant. The cooperative could then dispose of such milk to other pool plants or to nonpool plants for Class II uses when such milk is not needed by the plant to which the producer is assigned without unduly reducing the blend price to such producer or the cooperative.

A number of pool plants have converted from can to bulk tank receipts in this market. More than one-half of the producer milk is now delivered by bulk tank. To a large extent, the can shipping producers have either shifted to bulk tank at the request of the buyer of their milk or shifted to other pool plants continuing to receive can milk. It has been the practice of handlers to notify producers of their intention a substantial period of time in advance of discontinuing the receipt of can milk. There is no evidence that producers have not had a reasonable period of time to make the necessary conversion or to arrange for another outlet. Also there is no evidence that handlers have failed to accept the deliveries of milk or cut-off producers on a temporary basis for the purpose of adjusting receipts to sales seasonally or for other arbitrary reasons.

The producers' association goal (to have all handlers share in the responsibility and cost of carrying a reserve supply of milk for the market) has some merit. No solution, however, was offered to a number of administrative and economic problems associated with the assignment of certain producers to certain plants or to other means of pooling the reserve supply under an individual handler pool. Handlers and the cooperative now have the privilege of diverting producer milk to both pool and nonpool plants throughout the year. The present order, therefore, provides the necessary mechanics for the producers' association to develop with handlers a voluntary plan for diverting milk which will meet most of the problems associated with the transition to the bulk method of milk deliveries and the maintenance of a necessary reserve supply of milk.

3. The butter-cheese formula should be deleted from the computation of the basic formula price.

The basic formula price applied under the current order is the higher of the prices resulting from (1) the average of prices paid at 12 midwestern condenseries, (2) a butter-cheese formula, (3) a butter-powder formula, and (4) the average of prices at local manufacturing plants. The basic formula price is used to establish the Class I price by the addition of stated Class I differentials. The Class II price is the average of prices paid at specified local manufacturing plants during March through June and the basic formula price during July through February.

The butter-cheese formula price has been the effective basic formula price during 16 of the 24 months of the past two years. Official notice is hereby

taken of "Announcement of Minimum Class Prices per Hundredweight for 3.5 Percent Butterfat Content Milk * * *" for November and December 1958, issued by the market administrator of Order No. 30. The use of the butter-cheese formula increased the basic formula price 2.5 cents in 1957 and 6 cents in 1958 higher than the price which would have resulted from the other alternative basic formulas. Class I prices, therefore, were increased by the same amounts. The butter-cheese formula likewise increased the Class II price an average of 2.3 cents in 1957 and 3.3 cents in 1958.

In 1958, the butter-cheese formula averaged \$3.06 as compared with the average of \$3.01 for the 12 midwestern condenseries and \$2.96 for the butter-powder formula. During the past three years, the spread between the butter-cheese formula price and the other alternative basic formula prices has gradually widened. Because of changed relationships, the weighting of the factors in the present butter-cheese formula are antiquated and the formula fails to provide an appropriate measure of the prices paid to dairy farmers for milk at cheese plants. The formula is no longer a proper basic price formula or a reasonable measure of the value for manufacturing milk for the Toledo market. The other nearby Federal orders for the Detroit, North Central Ohio and Cleveland markets, with which the Toledo market competes in the procurement of milk and in the sale of fluid milk and manufactured dairy products, do not employ the butter-cheese formula. The basic formula price in each of these orders also employs the average of the prices at the 12 midwestern condenseries and a butter-powder formula essentially the same as the formula in the Toledo order. In addition, the Detroit order employs the average of prices paid farmers at local manufacturing plants.

The deletion of the butter-cheese formula, therefore, will result in more appropriate pricing of Class I and Class II milk under the Toledo order and will promote more uniform Class I and manufacturing milk price movements in the Federal order markets in this region.

4. The Class I price differential should be revised to provide for two instead of three seasonal price changes.

The Class I price is now computed by adding to the basic formula price a differential of \$1.00 during April, May and June; \$1.25 during February, March and July; and, \$1.60 during August through January. On an annual basis, the differential equals approximately \$1.39.

The producers' association proposed a differential of \$1.20 for February through July and \$1.60 for August through January as a means of maintaining the present average annual level. The association also suggested that consideration be given to including July in the highest differential months.

Handlers regulated by the Toledo order compete in the procurement and sale of milk with handlers regulated by the Detroit, Cleveland and North Central Ohio orders. A two seasonal pattern of Class I differentials is employed

under each of these orders. Under the Detroit order, the differential is 40 cents less in February through July than in August through January. Under the Cleveland and North Central Ohio orders, the same grouping of months is followed but the seasonal difference in the differential is 45 cents. Because of the interrelationships of these markets, orderly marketing would be promoted by coordinating the seasonal changes in Class I prices. Handlers supported the producers' proposal and emphasized the need to align Class I price changes particularly under the Toledo and Detroit orders.

Receipts of producer milk are normally highest in relation to Class I sales during February through July and lowest during August through January. The ratio of Class I sales to producer receipts in July usually increases substantially as compared with June and is at substantially the same level as January. Although producers' proposal to include July in the period of the highest differential has merit, the weight of the evidence favors the adoption of the same seasonal pattern as is provided in the other orders.

It was concluded under Issue No. 3 that the butter-cheese formula should be discontinued as one of the alternative basic prices used for determining Class I prices. Unless a change is made in the Class I differential, elimination of the butter-cheese formula would result in the reduction in the relative level of Class I prices. Removal of the cheese formula would have reduced the Class I price an average of 6 cents per hundredweight during 1958.

The relationship of producer receipts to Class I sales are relatively low in this market and the present level of producer milk receipts are inadequate to provide reasonable reserve supply. In fact, in September 1958 producer receipts were nearly one million pounds less than Class I sales. For the four months of lowest production, September through November, receipts from producers averaged only 101 percent of Class I utilization. For the months of February through July 1958 this ratio was 113 percent and during the flush production months (April through June) the market had less than a 20 percent reserve supply.

Both producers and handlers favored a compensating increase in the Class I price differential to continue the present relative level of Class I prices if the butter-cheese formula were deleted.

To promote closer co-ordination in Class I price changes among the Federal order markets in this region and to continue the same relative level of Class I prices in the Toledo market, the Class I price differential should be changed to \$1.25 during February through July and \$1.65 during August through January.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such excep-

tions are hereby overruled for the reasons previously stated in this decision.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered. That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of January is hereby determined to be the representative pe-

riod for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Toledo, Ohio, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 20th day of March 1959.

[SEAL] CLARENCE L. MILLER,
Assistant Secretary.

Order¹ Amending the Order Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area

§ 930.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Toledo, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

¹This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Toledo, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 930.9 [Amendment]

1. Delete § 930.9(b) and substitute therefor the following:

(b) A supply plant from which shipments in excess of 70,000 pounds of milk, skim milk or cream are received during the month at a plant described pursuant to paragraph (a) of this section and all or any part of the skim milk or butterfat contained in such products would be allocated from Class I pursuant to § 930.46 if such plant were not a pool plant.

§ 930.50 [Amendment]

2. Delete the schedule in § 930.50(a) (1) and substitute therefor the following:

Delivery period:	Amount
February through July-----	\$1.25
All other months-----	1.65

§ 930.51 [Amendment]

3. In § 930.51, delete the reference "paragraphs (a), (b) and (c) of this section" and substitute therefor "paragraphs (a) and (b) of this section".

4. Delete § 930.51(b) and renumber § 930.51(c) as § 930.51(b).

[F.R. Doc. 59-2492; Filed, Mar. 24, 1959; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 601, 602, 603]

[Administrative Order 518]

INDUSTRY COMMITTEES NOS. 44-A, 44-B, AND 44-C

Resignation and Appointment of Public Member

Pedro Munoz-Amato of Rio Piedras, Puerto Rico, has resigned as a public representative on Industry Committees Nos. 44-A, 44-B, and 44-C. The Secretary of Labor, pursuant to authority contained in the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), hereby appoints Juan Labadie-Eurite of San Juan, Puerto Rico, to serve on said committees as a public representative.

Signed at Washington, D.C., this 19th day of March 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59-2514; Filed, Mar. 24, 1959; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

SAMSOE CHEESE

Standard of Identity

The standard of identity for samsoe cheese (21 CFR, 1957 Supp., 19.544) was established by an order published in the FEDERAL REGISTER of March 6, 1956 (21 F.R. 1440), ruling on proposals filed by the Denmark Cheese Association, 17 Battery Place, New York, New York. The only objection to this order was filed by Kraft Foods Company, Chicago, Illinois. The basis for Kraft's objection was that the order, by fixing the maximum limit for moisture in samsoe cheese at 46 percent, would give such cheese a sales advantage over swiss cheese, which is limited by its standard (21 CFR 19.540) to not more than 41 percent moisture. The objection sought to have the standard of identity for samsoe cheese changed by lowering the maximum limit for moisture therein to the maximum for moisture prescribed in the standard of identity for swiss cheese. By an order published in the FEDERAL REGISTER of May 3, 1956 (21 F.R. 2918), giving notice of the objection filed by Kraft Foods Company, the standard of identity for samsoe cheese was stayed pending a determination of the issue raised by the objection.

The original petitioner, Denmark Cheese Association, upon reconsideration of the definition and standard of identity for samsoe cheese, requests that the standard be amended to lower the maximum limit for moisture in samsoe cheese to 41 percent. In support of this proposal, a translation of the Danish Ministry of Agriculture Regulation of September 23, 1957, was submitted. This regulation requires that samsoe cheese for export to the United States may not contain more than 41 percent moisture. After considering the proposal for lowering the maximum limit for moisture in samsoe cheese to 41 percent, the Kraft Foods Company reported that this amendment would satisfy its objections to the original order and that, if this amendment were made, it would be agreeable to having the standard of identity for samsoe cheese with all other provisions remaining as published in the order of March 6, 1956 (21 F.R. 1440), become effective.

Since the amendment now proposed by the original petitioner meets the exception of the only party filing objections, it is concluded that no purpose will be served by scheduling a public hearing on the objections. Accordingly, pursuant to the provisions of the Federal Food,

Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended 70 Stat. 919; 21 U.S.C. 371(e)), and the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045; 23 F.R. 9500), notice is hereby given that it is proposed to amend the standard of identity for samsoe cheese as follows:

In § 19.544 *Samsoe cheese; identity*, it is proposed to amend paragraph (a) by changing the clause "It contains not more than 46 percent moisture * * *" in the fifth sentence to read, "It contains not more than 41 percent moisture * * *."

All interested persons are hereby invited to present their views in writing regarding the amendment proposed. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: March 19, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 59-2503; Filed, Mar. 24, 1959;
8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing Petition for Establishment of Tolerance for Substance Containing Piperonyl Butoxide and Pyrethrins in or on Whole Cheese

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), the following notice is issued:

A petition has been filed by Fairfield Chemicals, Food Machinery and Chemical Corporation, Post Office Box 1616, Baltimore 3, Maryland, proposing the issuance of a regulation to establish a tolerance of 1.0 part per million (0.0001 percent) of piperonyl butoxide and 0.1 part per million (0.00001 percent) of pyrethrins in or on whole cheese and 50.0 parts per million (0.005 percent) of piperonyl butoxide and 5.0 parts per million (0.0005 percent) of pyrethrins in or on the outer 1/8 inch of the whole cheese as a protectant against cheese mites, *Tyroglyphus siro* and *Tyroglyphus farinae*.

Dated: March 19, 1959.

[SEAL] JOHN L. HARVEY,
Commissioner of Food and Drugs.

[F.R. Doc. 59-2481; Filed, Mar. 24, 1959;
8:47 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Department of the Army has filed an application, Serial Number F-022929, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for missile test fire range. Congressional approval is required under provisions of Public Law 85-337.

For a period of sixty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1050, Fairbanks, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

FAIRBANKS AREA

A tract of land located approximately 40 miles east of Fairbanks, State of Alaska, more specifically described as follows:

Beginning at a point identical with the approximate intersection of latitude 64°47'10" N., and longitude 146°10'24" W.; thence West 9 miles, more or less, to approximate latitude 64°47'00" N., longitude 146°28'17" W.; thence Northeasterly 63 miles, more or less, to approximately latitude 65°11'34" N., longitude 144°29'12" W.; thence Southeasterly 20 miles, more or less, to approximately latitude 64°50'10" N., longitude 144°14'00" W.; thence Southwesterly 58 miles, more or less, to approximate latitude 64°39'45" N., longitude 146°10'24" W.; thence North 9 miles, more or less, to the point of beginning.

Containing 607,800 acres, more or less.

RICHARD L. QUINTUS,
Operations Supervisor,
Fairbanks.

[F.R. Doc. 59-2482; Filed, Mar. 24, 1959;
8:47 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

The United States Forest Service of the Department of Agriculture has filed

an application, serial number Colorado 024417, for withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the lands for use for a picnic area and campgrounds.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 339 New Custom House, P.O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

SAN JUAN NATIONAL FOREST

Mancos Hill Campground Site

T. 36 N., R. 12 W.,
Sec. 32, S½NW¼SW¼ and N½SW¼SW¼.

Bridge Campground Site

T. 37 N., R. 3 W.,
Sec. 4, S½NW¼ and SW¼;
Sec. 9, N½NW¼.

Bear Campground Site

T. 38 N., R. 13 W.,
Sec. 4, NW¼SW¼, S½SW¼ and SW¼SE¼;
Sec. 9, NE¼NW¼.

Deer Campground Site

T. 40 N., R. 13 W.,
Sec. 24, N½SW¼ and E½SW¼SW¼.

The above areas in San Juan National Forest aggregate 660 acres.

SIXTH PRINCIPAL MERIDIAN, COLORADO

GRAND MESA NATIONAL FOREST

Buzzard Campground

T. 9 S., R. 92 W.,
Sec. 20, SW¼SW¼.

Island Lake Campground

T. 12 S., R. 95 W.,
Sec. 3, SW¼SW¼ and W½SE¼SW¼;
Sec. 4, S½SE¼SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, N½NW¼NW¼.

Ward Lake Campground

T. 12 S., R. 95 W.,
Sec. 2, NW¼SE¼NE¼, E½SW¼NE¼ and NW¼SW¼NE¼.

The above areas in Grand Mesa National Forest aggregate 220 acres.

ARAPAHO NATIONAL FOREST

Silvertip Campground

T. 4 S., R. 76 W., Suspended,
Sec. 13, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Crater Lake Campground

T. 1 N., R. 74 W.,
Sec. 3, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Maxwell Falls Picnic Area

T. 6 S., R. 71 W.,
Sec. 6, lot 2.

Cold Springs Campground (Extension)

T. 2 S., R. 72 W.,
Sec. 30, S $\frac{1}{2}$ of lot 3, lot 5, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$
and NE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 2 S., R. 73 W.,
Sec. 25, S $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$.

The above areas in Arapaho National Forest aggregate 631.50 acres.

The total areas in San Juan, Grand Mesa and Arapaho National Forests aggregate 1511.50 acres.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F.R. Doc. 59-2483; Filed, Mar. 24, 1959;
8:47 a.m.]

[Classification No. 26]

[C-021273]

COLORADO

Small Tract Classification: Revocation and Order Providing for Opening of Public Lands

MARCH 17, 1959.

1. Pursuant to the authority delegated to me by the Colorado State Supervisor of the Bureau of Land Management, effective February 19, 1958 (23 F.R. 1098), Colorado Small Tract Classification No. 21, appearing as Federal Register Document 57-6252, on page 6066 of the issue of Thursday, August 1, 1957, is hereby revoked as to the following described lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 3 S., R. 73 W.,
Sec. 11, The Dorothy Lee Placer Mining Claim, Mineral Survey 20707, lying in the NW $\frac{1}{4}$.

The area described aggregates 19.498 acres of public lands.

2. The lands are west of Central City, Colorado. A county road passes near the land. The soils are shallow and rocky and unsuitable for farming.

3. No application for these lands will be allowed under the homestead, desert land, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable laws,

No. 58—4

the lands described herein are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims, subject to allowance and confirmation, will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead and Desert Land Laws by qualified veterans of World War II and, or, the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279 through 284, as amended), presented prior to 10:00 a.m. on April 23, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on July 23, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws other than those coming under Paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on July 23, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be opened to location under the United States mining laws beginning at 10:00 a.m. on July 23, 1959.

5. Persons claiming veteran's preference rights under paragraph 4a(2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries concerning these lands should be addressed to the Land Office Manager, Bureau of Land Management, Room 371, New Custom House, P.O. Box 1018, Denver 1, Colorado.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F.R. Doc. 59-2484; Filed, Mar. 24, 1959;
8:47 a.m.]

[81949]

MICHIGAN

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

MARCH 19, 1959.

Plat of Survey of the land (Island) described below, accepted January 28, 1959, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C., effective 10:00 a.m., on April 24, 1959.

MICHIGAN MERIDIAN, MICHIGAN

T. 1 N., R. 10 W.,
Sec. 18, Lot 1, 6.03 acres.

This plat represents the survey of an island in Warner Lake which was not included in the original survey as shown by plat approved April 24, 1827.

The island is of clayey loam and varies in elevation from two feet to 25 to 30 feet above the level of Warner Lake. Timber consists of a heavy growth of oak, beech and maple, 12 to 30 inches in diameter. The slopes are covered with a dense growth of young timber and vines. The top is relatively open. There are no improvements on the island. At the date of the survey in 1958 the island was being used as an overnight camp site by Girl Scout troops. The island is reported as 100 percent upland.

No application may be allowed under the homestead or small tract or any other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merit. The land will not be subject to occupancy or disposition until it has been classified.

Applications and selections under nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications, under the Homestead and Small Tract Laws, by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 274-284 as amended), presented prior to 10:00 a.m., on April 24, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m., on July 25,

1959, will be governed by the time of filing.

3. All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m., on July 25, 1959, will be considered filed simultaneously at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

All inquiries relating to the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C.

E. J. CONOVER,
Acting Manager.

[F.R. Doc. 59-2485; Filed, Mar. 24, 1959;
8:47 a.m.]

[I-18]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 17, 1959.

The Federal Aviation Agency has filed an application, Serial No. Utah 033877, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for development of culinary water facilities for personnel of the Bryce Canyon air navigation facility.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box No. 777, Salt Lake City 10, Utah.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

T. 36 S., R. 3 W.,
Sec. 7; Lot 2.

The above area aggregates 34.34 acres.

VAL B. RICHMAN,
State Supervisor.

[F.R. Doc. 59-2486; Filed, Mar. 24, 1959;
8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards

Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F.R. 200) and Administrative Order No. 507 (23 F.R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Abetta Sportswear, Inc., Page Mill, New Bedford, Mass., effective 3-2-59 to 3-1-60 (women's rayon dresses).

Calumet Garment Co., 913 East Chicago Avenue, East Chicago, Ind., effective 3-2-59 to 3-1-60 (men's sport and dress trousers).

Culler & Oblander, Inc., North, S.C., effective 3-2-59 to 3-1-60 (children's cotton play clothes).

Elsing Manufacturing Co., South on Highway 69, McAlester, Okla., effective 3-7-59 to 3-6-60 (ladies' blouses, skirts and dresses).

Fairfield Manufacturing Co., Inc., Winnsboro, S.C., effective 2-20-59 to 2-19-60 (women's cotton wash dresses).

Fawn Grove Manufacturing Co., Inc., Fawn Grove, Pa., effective 2-23-59 to 2-22-60 (pants, overalls, coveralls, etc.).

Finesilver Manufacturing Co., 816 Camaron Street, San Antonio, Tex., effective 3-2-59 to 3-1-60 (men's and boys' denim dungarees, work pants, work shirts).

Albert Given Manufacturing Co., 1301 West Chicago Avenue, East Chicago, Ind., effective 2-19-59 to 2-18-60 (men's sport and dress trousers).

Gopher Manufacturing Co., Buffalo, Minn., effective 2-27-59 to 2-26-60 (children's outer garments).

Helco, Inc., 333 North Pleasantburg Drive, Greenville, S.C., effective 2-19-59 to 2-18-60 (men's and boys' dress and sport shirts, pajamas and pants).

P. Jacobson & Sons, Inc., Tipton & O'Brien Streets, Seymour, Ind., effective 2-23-59 to 2-22-60 (men's dress and sport shirts).

J. A. Lamy Manufacturing Co., 108 West Pacific Street, Sedalia, Mo., effective 2-24-59 to 2-23-60 (dungarees).

LaSalle Sportswear Corp., Bastian, Va., effective 2-21-59 to 2-20-60 (infants' and children's sportswear).

Leisure Lads, Inc., Hedrick & Brenner Streets, Salisbury, N.C., effective 3-2-59 to 3-1-60 (children's apparel, carcoats, boys' sport shirts).

Manhattan Shirt Co., Ashburn, Ga., effective 3-2-59 to 3-1-60 (men's pajamas).

Metro Pants Co., 254 East Elizabeth Street, Harrisonburg, Va., effective 2-26-59 to 2-25-60 (boys' and junior pants, men's pants).

Oberman Manufacturing Co., Arkadelphia, Ark., effective 3-10-59 to 3-9-60 (men's and boys' single pants).

Oberman Manufacturing Co., Fayetteville, Ark., effective 3-10-59 to 3-9-60 (shirts, jackets, pants).

Oberman Manufacturing Co., Harrison, Ark., effective 3-10-59 to 3-9-60 (men's and boys' single pants).

Piedmont Shirt Co., New Buncombe Road, Greenville, S.C., effective 2-20-59 to 2-19-60 (dress shirts, boys' sport shirts).

Phillip Rothenberg & Co., Inc., Shellenberger Plant, McAllisterville, Pa., effective 2-19-59 to 2-18-60 (shirts for men, and boys).

Renovo Shirt Co., Mena, Ark., effective 2-26-59 to 11-23-59 (ladies' sport shirts).

The Seaford Garment Co., Seaford, Delaware, effective 3-2-59 to 3-1-60 (shirts, sports or dress).

Tennessee Textile Corp., MacArthur Road, Maryville, Tenn., effective 2-26-59 to 2-25-60 (men's cotton work trousers and shirts).

Warsaw Manufacturing Co., Warsaw, N.C., effective 2-27-59 to 2-26-60 (ladies' cotton dresses).

Williamson-Dickie Manufacturing Co., Uvalde, Tex., effective 3-3-59 to 3-2-60 (men's shirts and jackets).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Alan Manufacturing Co., 695 Hazle Street, Wilkes-Barre, Pa., effective 2-27-59 to 2-26-60; 10 learners (dresses).

Apparel, Inc., Mebane, N.C., effective 2-19-59 to 2-18-60; 2 learners (children's dresses).

Bedford National, Inc., Page Mill, New Bedford, Mass., effective 3-2-59 to 3-1-60; 5 learners (women's rayon dresses).

Berlin Manufacturing Co., Inc., Berlin, Md., effective 2-23-59 to 2-22-60; 10 learners (cotton work clothing, work pants).

Brooks Contracting Co., of Clarksville, Inc., 112 East Main Street, Clarksville, Tex., effective 2-28-59 to 2-27-60; 5 learners (women's work uniforms).

Holiday Togs, Inc., South Market Street, Dayton, Tenn., effective 2-28-59 to 2-27-60; 10 learners (children's outer-garment play shorts).

Joel Manufacturing, 144 Hazle Street, Wilkes-Barre, Pa., effective 3-2-59 to 3-1-60; 5 learners (dresses).

Famplin Dress Corp., Pamplin, Va., effective 3-4-59 to 3-3-60; 6 learners (children's dresses).

Pella Manufacturing Corp., 707 East Third Street, Pella, Iowa, effective 3-2-59 to 3-1-60; 10 learners (overalls, dungarees and coveralls).

Rulesville Manufacturing Co., Rulesville, Miss., effective 2-24-59 to 2-23-60; 10 learners (men's and boys' outerwear jackets).

Sherman Manufacturing Co., Darlington, S.C., effective 3-2-59 to 3-1-60; 10 learners (ladies' house dresses).

The Watson-Scott Co., Thomasville, Ga., effective 3-2-59 to 3-1-60; 8 learners (men's industrial uniforms, shirts, trousers, coveralls and jackets).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Atwood, Inc., Sparta, N.C., effective 2-27-59 to 2-26-59; 30 learners (pants).

Form-O-Uth Brassiere Co., McLean, Tex., effective 2-27-59 to 5-27-59; 10 learners (brassieres) (supplemental certificate).

Manhattan Shirt Co., Ashburn, Ga., effective 3-2-59 to 9-1-59; 20 learners (men's pajamas).

Oberman Manufacturing Co., Harrison, Ark., effective 3-2-59 to 9-1-59; 40 learners (men's and boys' single pants).

Southern Garment Co., Robbins, N.C., effective 2-26-59 to 8-25-59; 30 learners (women's cotton wash dresses).

Vacation Wear, Inc., Estill, S.C., effective 2-27-59 to 8-26-59; 20 learners (ladies' cotton sportswear, dresses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

The Boss Manufacturing Co., Gregory and Harrington Streets, Cisco, Tex., effective 3-1-59 to 2-29-60; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

The Boss Manufacturing Co., 107 North Boss Street, Kewanee, Ill., effective 3-1-59 to 2-29-60; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Good Luck Glove Co., Metropolis, Ill., effective 3-10-59 to 3-9-60; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Southern Glove Manufacturing Co., Inc., Conover, N.C., effective 2-23-59 to 2-22-60; 10 percent of the total number of machine stitchers for normal labor turnover purposes (cotton & leather palm work gloves).

The Boss Manufacturing Co., 109 North Baylor Street, Breckenridge, Tex., effective 2-27-59 to 2-26-60; ten learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Athens Hosiery Mills, Inc., Athens Tenn., effective 2-20-59 to 2-19-60; five percent of the total number of factory production workers for normal labor turnover purposes (seamless).

J. A. Cline & Son, Inc., Hildebran, N.C., effective 3-2-59 to 3-1-60; five percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Diamond Mills Corp., Hanover Division, 3402 South Front Street, Wilmington, N.C., effective 2-23-59 to 2-22-60; five percent of the total number of factory production workers for normal labor turnover purposes (ladies' seamless).

Diamond Mills Corp., Hanover Division, 3402 South Front Street, Wilmington, N.C., effective 3-2-59 to 9-1-59; ninety learners for plant expansion purposes (seamless).

Elliott Hosiery Mills, Hickory, N.C., effective 2-21-59 to 2-20-60; five percent of the total number of factory production workers for normal labor turnover purposes (men's hosiery—seamless).

Old Dutch Hosiery Mills, 17th Street SW., Hickory, N.C., effective 2-25-59 to 8-24-59; twenty-five learners for plant expansion purposes (half hosiery).

Yanceyville Knitting Mills, Inc., Yanceyville, N.C., effective 3-2-59 to 3-1-60; three learners for normal labor turnover purposes (children's anklets).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Altoona Shoe Co., Inc., 201 Cayuga Avenue, Altoona, Pa., effective 2-24-59 to 2-23-60; ten percent of the total number of factory production workers for normal labor turnover purposes (ladies' casual footwear).

Diane Footwear, Inc., 476 Blackman Street, Wilkes-Barre, Pa., effective 2-17-59 to 2-16-60; ten percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's playshoes and slippers).

Martinsburg Shoe Co., Inc., 107 Highland Street, Martinsburg, Pa., effective 2-24-59 to 2-23-60; ten percent of the total number of factory production workers for normal labor turnover purposes (ladies' play shoes).

Schellsburg Shoe Co., Schellsburg, Pa., effective 2-24-59 to 2-23-60; ten learners for

normal labor turnover purposes (ladies' casual footwear).

B. B. Walker Shoe Co., Asheboro, N.C., effective 2-26-59 to 2-25-60; ten percent of the total number of factory production workers for normal labor turnover purposes (men's work shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Advertisers Manufacturing Co., Ripon, Wis., effective 3-4-59 to 9-3-59; five percent of the total number of factory production workers for normal labor turnover purposes in the occupation of (1) sewing machine operator for a learning period of 240 hours at the rate of 90 cents an hour (advertising caps, aprons, newsbags, etc.).

J. Capps and Sons, Ltd., 500 West Lafayette Avenue, Jacksonville, Ill., effective 3-1-59 to 8-31-59; five percent of the total number of factory production workers for normal labor turnover purposes in the occupations of (1) sewing machine operator, (2) hand sewer, (3) finishing operations involving hand sewing for a learning period each of 480 hours at the rates of at least 90 cents an hour for the first 280 hours, and not less than 95 cents an hour for the remaining 200 hours (men's shirts, topcoats, sport coats and slacks).

Carroll Manufacturing Co., Westminster, Md., effective 3-1-59 to 8-31-59; five percent of the total number of factory production workers for normal labor turnover purposes in the occupations of (1) sewing machine operator, (2) final presser, (3) hand sewer, (4) finishing operations involving hand sewing for a learning period each of 480 hours at the rates of at least 90 cents per hour for the first 280 hours, and not less than 95 cents per hour for the remaining 200 hours (men's sack coats and pants).

Famous-Sternberg, Inc., 950 Poyefarre Street, New Orleans, La., effective 3-1-59 to 8-31-59; five percent of the total number of factory production workers for normal labor turnover purposes in the occupations of (1) sewing machine operator, (2) hand sewer, (3) final presser, (4) finishing operations involving hand sewing for a learning period each of 480 hours at the rates of at least 90 cents an hour for the first 280 hours, and not less than 95 cents an hour for the remaining 200 hours (men's wool, cotton, and synthetic fiber suits, jackets and trousers).

Kewanee Headwear Co., 410 West Second Street, Kewanee, Ill., effective 3-1-59 to 8-31-59; five learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours at the rate of 90 cents an hour (caps).

Lion Manufacturing Co., Everett, Pa., effective 3-1-59 to 8-31-59; five percent of the total number of factory production workers for normal labor turnover purposes in the occupations of (1) sewing machine operator, (2) final presser, (3) hand sewer, (4) finishing operations involving hand sewing for a learning period each of 480 hours at the rates of at least 90 cents per hour for the first 280 hours, and not less than 95 cents per hour for the remaining 200 hours (men's sack coats).

Middleburg Manufacturing Co., Hanover, Pa., effective 3-1-59 to 8-31-59; five percent of the total number of factory production workers for normal labor turnover purposes in the occupations of (1) sewing machine operator, (2) final presser, (3) hand sewer, (4) finishing operations involving hand sewing for a learning period each of 480 hours at the rates of at least 90 cents per hour for the first 280 hours, and not less than 95 cents per hour for the remaining 200 hours (men's pants, slacks and vests).

Mount Union Manufacturing Co., Mount Union, Pa., effective 3-1-59 to 8-31-59; five percent of the total number of factory production workers for normal labor turnover

purposes in the occupations of (1) sewing machine operator, (2) final presser, (3) hand sewer, (4) finishing operations involving hand sewing for a learning period each of 480 hours at the rates of at least 90 cents per hour for the first 280 hours, and not less than 95 cents per hour for the remaining 200 hours (men's sack coats).

Palm Beach Co., Talladega, Ala., effective 2-24-59 to 8-23-59; five percent of the total number of factory production workers for normal labor turnover purposes in the occupations of (1) sewing machine operator, (2) final presser for a learning period each of 480 hours at the rates of at least 90 cents an hour for the first 280 hours, and not less than 95 cents an hour for the remaining 200 hours (men's summer wash pants, shorts, suit pants).

Staunton Manufacturing Co., Staunton, Va., effective 3-1-59 to 8-31-59; five percent of the total number of factory production workers for normal labor turnover purposes in the occupations of (1) sewing machine operator, (2) final presser, (3) hand sewer, (4) finishing operations involving hand sewing for a learning period each of 480 hours at the rates of at least 90 cents per hour for the first 280 hours, and not less than 95 cents per hour for the remaining 200 hours (men's sack coats).

Stewartstown Manufacturing Co., Stewartstown, Pa., effective 3-1-59 to 8-31-59; five percent of the total number of factory production workers for normal labor turnover purposes in the occupations of (1) sewing machine operator, (2) final presser, (3) hand sewer, (4) finishing operations involving hand sewing for a learning period each of 480 hours at the rates of at least 90 cents per hour for the first 280 hours, and not less than 95 cents per hour for the remaining 200 hours (men's sack coats and topcoats).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Alfra Bra, Inc., Bayamón, P.R., effective 2-11-59 to 2-10-60; 10 learners for normal labor turnover purposes in the occupation of Sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brasieres).

Coral Industries, Inc., Humacao, P.R., effective 3-2-59 to 8-1-59; 30 learners for plant expansion purposes in the occupations of (1) Foot press operators for a learning period of 480 hours at the rates of 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours; (2) Assemblers, springers each for a learning period of 240 hours at 66 cents an hour (expansion watch bracelets).

Gordonshire Knitting Mills, Inc., Cayey, P.R., effective 1-28-59 to 1-27-60; 50 learners for normal labor turnover purposes in the occupations of (1) Sweater looping, knitting (inc. hand fashion knitting machine operator) for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; (2) Machine stitching for a learning period of 320 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 160 hours (sweaters).

Jaress Corp., Rio Piedras, P.R., effective 1-28-59 to 7-27-59; 10 learners for plant expansion purposes in the occupation of (1) Quality control operation; Soft soldering; metal stampings each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour

for the remaining 240 hours (components for aircraft engines).

Nassau Mills, Inc., Caguas, P.R., effective 2-2-59 to 2-1-60; 10 learners for normal labor turnover purposes in the occupations of: (1) sewing machine operators and final pressers, each for a learning period of 480 hours at rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the second 240 hours; and (2) final assembly of fully assembled garments for a learning period of 160 hours, at the rate of 54 cents an hour (men's sleep wear).

Puerto Rico Hosiery Mills, Inc., Arecibo, P.R., effective 2-2-59 to 8-1-59; 15 learners for expansion purposes in the occupations of: (1) Looping and mending, each for a learning period of 960 hours at the rates of 50 cents an hour for the first 480 hours and 57 cents an hour for the second 480 hours; and (2) examining for a learning period of 240 hours at the rate of 50 cents an hour (seamless Nylon Hosiery).

Puerto Rico Industrial Manufacturing Corp., Manati, P.R., effective 2-7-59 to 2-6-60; 10 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the second 240 hours (men's work pants and shirts).

Weststone Knitting Mills, Inc., San German, P.R., effective 2-16-59 to 8-15-59; 60 learners for plant expansion purposes, in the occupations of: (1) knitting operators for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the second 240 hours; and (2) sewing machine operators and pressers, each for a learning period of 320 hours at rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the second 160 hours (sweaters).

Yauco Knitting Mills, Inc., Yauco, P.R., effective 2-5-59 to 8-4-59; 16 learners for plant expansion purposes, in the occupations of: (1) Knitters and loopers, each for a learning period of 480 hours at rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the second 240 hours; and (2) seamers and pressers, each for a learning period of 320 hours at rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the second 160 hours (sweaters).

The following learner certificate was issued in the Virgin Islands to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed is indicated.

Crystal Manufacturing Co., St. Thomas, V.I., effective 2-4-59 to 8-3-59; 30 learners for plant expansion purposes in the occupations of assembly of costume jewelry, linking, sewing earrings, tipping and stringing, and knotting; each for a learning period of 160 hours at the rate of 45 cents an hour (costume jewelry).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 13th day of March 1959.

MILTON BROOKE,
*Authorized Representative
of the Administrator.*

[F.R. Doc. 59-2487; Filed, Mar. 24, 1959;
8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos 50-32, 50-53, 50-90, 50-91,
50-103]

AEROJET-GENERAL NUCLEONICS

Notice of Issuance of Amendment to Facility License and Construction Permits

Please take notice that the Atomic Energy Commission has issued the amendments set forth below comprising Amendment No. 5 to License No. R-10, Amendment No. 3 to Construction Permit No. CPRR-13, Amendment No. 4 to Construction Permit No. CPRR-23, Amendment No. 2 to Construction Permit No. CPRR-24 and Amendment No. 3 to Construction Permit No. CPRR-27. The amendments authorize operation of reactor Model AGN-201, Serial No. 103 with a high-level flux scram, provided on all three flux monitoring channels and set no higher than 30 percent above the authorized operating power level, as described in the licensee's amendment to its license application dated January 6, 1959. The amendments also authorize construction of reactors Model AGN-201, Serial Nos. 115 through 140 and Model AGN-211, Serial Nos. 103 through 110 with high-level flux scrams provided on all three flux-monitoring channels as described in the said amendment to license application dated January 6, 1959. The Commission has found that construction and operation of the reactors in accordance with the licenses as amended will not result in undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of these amendments is not necessary in the public interest since the construction and operation of the reactors as proposed does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved activities.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendments upon receipt of a request therefor from the licensee or an intervenor within thirty days after issuance of the license amendments. For further details see (1) the application for license amendments submitted by Aerojet-General Nucleonics and (2) a hazards analysis of the proposed activities prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed

to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 18th day of March 1959.

For the Atomic Energy Commission.

H. L. PRICE,
*Director, Division of
Licensing and Regulation.*

[Amdt. 5 to License R-10; Amdt. 3 to Construction Permit CPRR-13; Amdt. 4 to Construction Permit CPRR-23; Amdt. 2 to Construction Permit CPRR-24; Amdt. 3 to Construction Permit CPRR-27]

License No. R-10, as amended, issued to Aerojet-General Nucleonics on March 22, 1957, which authorizes operation of reactor Model AGN-201, Serial No. 103 is hereby further amended to authorize operation of the reactor with a high-level flux scram provided on all three flux-monitoring channels and set no higher than 30 percent above the authorized operating power level, as described in Aerojet-General Nucleonics' amendment to its license application dated January 6, 1959.

Construction Permits Nos. CPRR-13, as amended, CPRR-23, as amended, CPRR-24, as amended, and CPRR-27, as amended, issued to Aerojet-General Nucleonics on July 8, 1957, February 20, 1958, February 20, 1958, and August 6, 1958 respectively are hereby further amended to authorize construction of reactors Model AGN-201, Serial Nos. 115 through 140 and Model AGN-211, Serial Nos. 103 through 110 with high-level flux scrams provided on all three flux-monitoring channels as described in Aerojet-General Nucleonics' amendment to its license application dated January 6, 1959.

These amendments are effective as of the date of issuance.

Date of issuance: March 18, 1959.

For the Atomic Energy Commission.

H. L. PRICE,
*Director, Division of
Licensing and Regulation.*

[F.R. Doc. 59-2472; Filed, Mar. 24, 1959;
8:45 a.m.]

[Docket No. 27-5]

WALKER TRUCKING CO.

Notice of Issuance of Byproduct and Source Material License To Provide Radioactive Waste Disposal Service

On August 29, 1958, the Commission published a notice in the FEDERAL REGISTER (23 F.R. 6723) of the proposed issuance of a byproduct and source material license to The Walker Trucking Company, 1283-1285 East Street, New Britain, Connecticut, authorizing the disposal of certain radioactive waste in the Atlantic Ocean. A 15-day period was provided in which a request for intervention and for a formal hearing could be made. In accordance therewith the Town of Portland, Connecticut and Walter A. Lynch, Jr., were permitted to intervene and a formal hearing was held in Hartford, Connecticut on November 19, 1958. Elliott Earl also requested permission to intervene on behalf of himself and the Institute of Nuclear Serology of Manchester, Connecticut. The hearing examiner denied this request.

On December 24, 1958, the hearing examiner delivered his Intermediate Decision making findings as to the safety of the proposed operation and ordered that a license be issued to The Walker Trucking Company unless exceptions were filed by January 18, 1959. No exceptions were filed other than by letter dated December 27, 1958, Mr. Earl tendered for filing an "Exception" to the hearing examiner's intermediate decision. By letter dated January 6, 1959, Mr. Earl tendered for filing a "Statement" in support of his "Exception". By a Memorandum and Order dated March 3, 1959, the Atomic Energy Commission ruled that the hearing examiner's ruling denying intervention in the proceedings by Elliott Earl was affirmed and the "Exception" and "Statement" were not accepted for filing as an exception to the intermediate decision of the hearing examiner.

In view of the foregoing the Atomic Energy Commission has issued effective as of this date the byproduct and source material license substantially in the form published in the FEDERAL REGISTER as noted above. For further details see (1) the record of the hearing in this case including the application for license, (2) the Intermediate Decision of the hearing examiner dated December 24, 1958, and (3) the Memorandum and Order of the Commission dated March 3, 1959, all on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

The license issued to The Walker Trucking Company differs from the proposed license in that the expiration date has been changed from August 31, 1960, to March 31, 1961, and that Condition 7 has been amended to authorize an increase in the quantities of radioactive material which may be transported in certain specified containers from 2.0 curies to 2.7 curies to conform with Interstate Commerce Commission regulations.

Dated at Germantown, Md., this 18th day of March 1959.

For the Atomic Energy Commission,

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F.R. Doc. 59-2472; Filed, Mar. 24, 1959;
8:45 a.m.]

[Docket No. 50-8]

NORTH CAROLINA STATE COLLEGE

Notice of Issuance of Construction Permit

Please take notice that no requests for formal hearing having been filed following filing of a notice of proposed action with the Federal Register Division on March 2, 1959, the Atomic Energy Commission has issued Construction Permit No. CPRR-34 to North Carolina State College authorizing removal of the Raleigh Research Reactor to another location on its campus at Raleigh, North Carolina. Notice of the proposed action, which set forth the proposed construc-

tion permit, was published in the FEDERAL REGISTER on March 3, 1959, 24 F.R. 1575.

Dated at Germantown, Md., this 18th day of March 1959.

For the Atomic Energy Commission,

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F.R. Doc. 59-2473; Filed, Mar. 24, 1959;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12560; FCC 59M-338]

LAKEIDE BROADCASTERS

Order Continuing Hearing

In re application of Edward J. Jansen and Keith Jack Rudd, d/b as Lakeside Broadcasters, Sparks, Nevada, Docket No. 12560, File No. BP-11656; for construction permit.

The Hearing Examiner has before him a petition for continuance of hearing in the above-entitled matter from March 19, 1959, to March 27, 1959, filed on behalf of Lakeside Broadcasters on March 13, 1959; and

It appearing that the other parties to the proceeding have no objection to grant of the said petition; and

It appearing that hearing rooms are not available on the date requested but are available at the later date set forth below;

It is ordered, This 17th day of March 1959, that so much of Lakeside Broadcasters' petition as seeks continuance is granted; and on the Examiner's own motion the hearing now scheduled for March 19, 1959, is continued to April 1, 1959.

Released: March 18, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-2505; Filed, Mar. 24, 1959;
8:51 a.m.]

[Docket Nos. 12682, 12683; FCC 59M-353]

TEXAS TWO-WAY COMMUNICATIONS

Order Continuing Hearing

In the matter of applications of J. E. Moore, Jr., Wm. R. Lastinger, and J. L. Sheerin, d/b as Texas Two-Way Communications, for a construction permit to establish a new two-way common carrier station in the Domestic Public Land Mobile Radio Service in Dallas, Texas (call sign KKT409), Docket No. 12682, File No. 11-C2-P-59; and for a construction permit to establish a new two-way common carrier station in the Domestic Public Land Mobile Radio Service in Fort Worth, Texas (call sign KKT410), Docket No. 12683, File No. 13-C2-P-59.

On the oral request of counsel for protestant and intervenors, and without

objection by counsel for applicant and the Common Carrier Bureau, *It is ordered*, This 19th day of March 1959, that the hearing now scheduled for April 29, 1959, is continued to Wednesday, May 13, 1959, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: March 19, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-2506; Filed, Mar. 24, 1959;
8:51 a.m.]

[Docket No. 12696; FCC 59M-356]

BOOTH BROADCASTING CO.

Order Continuing Hearing

In re application of Booth Broadcasting Company (WBBC), Flint, Michigan, Docket No. 12696, File No. BP-11661, for construction permit.

The Hearing Examiner having under consideration an oral request on behalf of the Broadcast Bureau for a continuance of the hearing now scheduled to commence on March 20, 1959;

It appearing that there is no opposition to the requested continuance and good cause having been stated;

It is ordered, This 19th day of March 1959, that the hearing is continued from March 20 to March 25, 1959.

Released: March 20, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-2507; Filed, Mar. 24, 1959;
8:51 a.m.]

[Docket No. 12725; FCC 59M-347]

JOHN G. MURLEY

Order Continuing Hearing

In the matter of John G. Murley, 107 North William Street, Fairhaven, Massachusetts, Docket No. 12725; order to show cause why there should not be revoked the license for Radio Station WB-3638 aboard the vessel "Teresa and Jean".

It appearing, that a "Motion to Cancel Hearing and Issue an Initial Decision and Revocation Order" has been filed on March 17, 1959, by the Chief, Safety and Special Radio Services Bureau, Federal Communications Commission;

It further appearing, that the Hearing Examiner is required by §§ 1.18(d) and 1.43 of the Commission's rules to withhold consideration of said motion until after it will have been on file for a period of time ending several days after March 18, 1959, which is the date now scheduled for the hearing in this proceeding;

Accordingly, it is ordered, This 18th day of March 1959, that the hearing now scheduled for March 19, 1959, is continued, pending disposition of the above-described motion, to Thursday, April 9,

1959, at 10:00 a.m., in the offices of the Commission, Washington, D.C.

Released: March 19, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-2508; Filed, Mar. 24, 1959;
8:51 a.m.]

[Docket No. 12806; FCC 59M-340]

A AND B AUTO SUPPLY, INC.

Order Scheduling Hearing

In the matter of A and B Auto Supply, Inc., 4950 N.E. Union, Portland, Oregon, Docket No. 12806; order to show cause why there should not be revoked the License for Radio Station WK-6059 aboard the vessel "June E."

It is ordered, This 17th day of March 1959, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 1, 1959, in Washington, D.C.

Released: March 18, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-2509; Filed, Mar. 24, 1959;
8:51 a.m.]

[Docket No. 12807; FCC 59M-343]

LORENZO SCOLA

Order Scheduling Hearing

In the matter of Lorenzo Scola, 35 Cooper Street, Boston, Massachusetts, Docket No. 12807; order to show cause why there should not be revoked the License for Radio Station WA-8502 aboard the vessel "Nancy B."

It is ordered, This 17th day of March 1959, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 1, 1959, in Washington, D.C.

Released: March 18, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-2510; Filed, Mar. 24, 1959;
8:51 a.m.]

[Docket No. 12808; FCC 59M-341]

EASTON BROADCASTING CO.

Order Scheduling Hearing

In re application of Richard S. Cobb and Mary Cobb, d/b as Easton Broadcasting Co., Easton, Maryland, Docket

No. 12808, File No. BP-12011; for construction permit for a new standard broadcast station.

It is ordered, This 17th day of March 1959, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 1, 1959, in Washington, D.C.

Released: March 18, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-2511; Filed, Mar. 24, 1959;
8:51 a.m.]

[Docket No. 12809; FCC 59M-342]

JOSEPH F. SHERIDAN

Order Scheduling Hearing

In re application of Joseph F. Sheridan, Ukiah, California, Docket No. 12809, File No. BP-11431; for construction permit for a new standard broadcast station.

It is ordered, This 17th day of March 1959, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 1, 1959, in Washington, D.C.

Released: March 18, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-2512; Filed, Mar. 24, 1959;
8:51 a.m.]

[Docket No. 12809; FCC 59M-349]

JOSEPH F. SHERIDAN

Order Continuing Hearing Conference

In re application of Joseph F. Sheridan, Ukiah, California, Docket No. 12809, File No. BP-11431, for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 19th day of March 1959, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a prehearing conference, pursuant to the provisions of section 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., at 10:00 a.m., April 6, 1959.

Released: March 19, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-2513; Filed, Mar. 24, 1959;
8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-17995, G-17996]

KERR-McGEE OIL INDUSTRIES, INC., ET AL.

Order for Hearings and Suspending Proposed Changes in Rates¹

MARCH 18, 1959.

In the matters of Kerr-McGee Oil Industries, Inc., Docket No. G-17995; and Texas Company (Operator), et al., Docket No. G-17996.

On February 16, 1959, Kerr-McGee Oil Industries, Inc. (Kerr-McGee) and The Texas Company (Operator) et al. (Texas) tendered for filing proposed changes in their presently effective rate schedules² for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of change dated February 13, 1959 in Docket No. G-17995. Notice of change, undated in Docket No. G-17996.

Purchaser: Natural Gas Pipeline Company of America.

Rate schedule designation: Supplement No. 4 to Kerr-McGee's FPC Gas Rate Schedule No. 46. Supplement No. 19 to Texas' FPC Gas Rate Schedule No. 133.

Effective date: March 21, 1959 (effective date is the date proposed by both Kerr-McGee and Texas).

In support of the proposed periodic increases both Kerr-McGee and Texas cite the contract provisions, state that the contracts were negotiated at arm's length and further state that the proposed rates are just, reasonable and necessary to encourage further exploration. Texas also refers to testimony submitted in evidence in the rate proceedings in Docket No. G-8969 purporting to show an increase in expenses between 1947 and 1956.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that Supplement No. 4 to Kerr-McGee's FPC Gas Rate Schedule No. 46 and Supplement No. 19 to Texas' FPC Gas Rate Schedule No. 133 be suspended and the use thereof deferred as herein-after ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4

¹This order does not provide for the consolidation for hearing of the above dockets, nor should it be so construed.

²Supplement No. 3 to Kerr-McGee's FPC Gas Rate Schedule No. 46 is in effect subject to refund in Docket No. G-14663, and Supplement No. 15 to Texas' FPC Gas Rate Schedule No. 133 is in effect subject to refund in Docket No. G-14620.

and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon a date to be fixed by notices from the Secretary concerning the lawfulness of the proposed rates and charges contained in Supplement No. 4 to Kerr-McGee's FPC Gas Rate Schedule No. 46 and Supplement No. 19 to Texas' FPC Gas Rate Schedule No. 133.

(B) Pending such hearings and decisions thereon, said supplements are suspended and the use thereof deferred until August 21, 1959, and thereafter until each is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-2475; Filed, Mar. 24, 1959;
8:45 a.m.]

[Docket No. G-17997 etc.]

JEFFERSON LAKE SULPHUR CO. ET AL.

Order for Hearings and Suspending Proposed Changes in Rates¹

MARCH 18, 1959.

In the matters of Jefferson Lake Sulphur Company (Operator) et al. Docket No. G-17997; Tidewater Oil Company, Docket No. G-17998, and Tidewater Oil Company (Operator) et al, Docket No. G-17999.

On February 16, 1959, the above-named Respondents tendered Notices of Change which proposed increased rates and charges in their presently effective rate schedules² for sales of natural gas subject to the jurisdiction of the Commission. All of the Respondents propose an effective date of March 19, 1959, and the purchaser in each case is Transcontinental Gas Pipe Line Corporation. The

¹ This order does not provide for the consolidation for hearing of the above dockets, nor should it be so construed.

² Supplement No. 4 to Jefferson Lake Sulphur Company (Operator) et al.'s FPC Gas Rate Schedule No. 2 is in effect subject to refund in Docket No. G-15850. Supplement No. 2 to Tidewater Oil Company's FPC Gas Rate Schedule No. 54 is in effect subject to refund in Docket No. G-17668. Supplement No. 3 to Tidewater Oil Company (Operator) et al.'s FPC Gas Rate Schedule No. 62 is in effect subject to refund in Docket No. G-17599.

proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Respondent	Rate sched.	Supp. No.	Date of notice of change
1. Jefferson Lake Sulphur Co. (operator), et al.	2	6	Undated
2. Tidewater Oil Co.	54	4	Feb. 12, 1959
3. Tidewater Oil Co. (operator), et al.	62	5	Do.

In support of its proposed increase Jefferson Lake Sulphur Company (Operator) et al. cites the favored-nation provisions of the contract and the purchaser's letter. Tidewater Oil Company (Tidewater), in support of its increases, also cites the contract provisions and submits copies of the purchaser's letter. Tidewater further states that the contracts resulted from arm's length bargaining, and the pricing provisions were designed to protect the seller against discrimination in the area.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that each of the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decision thereon, the aforesaid supplements each hereby are suspended until August 19, 1959, and thereafter until each is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commission may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-2476; Filed, Mar. 24, 1959;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 78]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICE

MARCH 20, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Special Rules Revised, 1957 (49 CFR 211.1(c) (3)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 421839 (Deviation No. 1), MANNING FREIGHT LINES, INC., P.O. Box 1551, Yakima, Wash., filed February 20, 1959. Attorney for said carrier, James T. Johnson, 1111 Northern Life Tower, Seattle 1, Wash. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over two deviation routes (A) between Seattle, Wash., and North Bend, Wash., as follows: from Seattle over New U.S. Highway 10 to North Bend; and (B) between Vancouver, Wash., and Tacoma, Wash., as follows: from Vancouver over U.S. Highway 99 and access routes to Tacoma; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from Seattle, Wash., over old U.S. Highway 10 to North Bend, Wash.; and from Portland, Oreg., over U.S. Highway 99 to Vancouver, Wash., thence over U.S. Highway 830 to Maryhill, Wash., thence over U.S. Highway 97 to Teanaway, Wash., thence over U.S. Highway 10 to Seattle, thence over U.S. Highway 99 to Tacoma, Wash.; and return over the same routes.

No. MC 66562 (Deviation No. 3), RAILWAY EXPRESS AGENCY INCORPORATED, 219 East 42d Street, New York 17, N.Y., filed March 16, 1959. Attorney for said carrier, William H. Marx, 219 E. 42d Street, New York 17, N.Y. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*,

with certain exceptions, over a deviation route, between junction New York Highways 22 and 346 at North Petersburg, N.Y., and Williamstown, Mass., as follows: from junction New York Highways 22 and 346 over New York Highway 22 to junction New York Highway 2, thence over New York Highway 2 to the New York-Massachusetts State line, thence over Massachusetts Highway 2 to Williamstown and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from Albany, N.Y., over combined New York Highways 2 and 32 to junction New York Highway 7, thence over New York Highway 7 to Troy, N.Y., thence over New York Highway 40 to junction New York Highway 67, thence over New York Highway 67 to North Hoosick, N.Y., and thence over New York Highway 22 to Hoosick Falls, N.Y.; and from Hoosick Falls over New York Highway 22 to North Petersburg, N.Y., thence over New York Highway 346 to the New York-Vermont State line, thence over Vermont Highway 346 to Pownal, Vt., thence over U.S. Highway 7 to Williamstown, Mass., thence over Massachusetts Highway 2 to North Adams, Mass.; and return over the same routes.

No. MC 78463 (Deviation No. 1), HART MOTOR EXPRESS, INC., 2600 University Ave. SE., Minneapolis, Minn., filed March 16, 1959. Attorney for said carrier, Clay R. Moore, 1100 First National-Soo Line Bldg., Minneapolis 2, Minn. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Valley City, N. Dak., and Jamestown, N. Dak., as follows: from junction U.S. Highways 10, 52, and 94, approximately two miles east of Valley City, over U.S. Highway 94 to junction U.S. Highway 10, south of Jamestown and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Valley City, N. Dak., and Jamestown, N. Dak., over U.S. Highways 52 and 10.

No. MC 97699 Sub 2 (Deviation No. 1), BARBER TRANSPORTATION CO., P.O. Drawer 1431, Rapid City, S. Dak., filed March 16, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Cedar Rapids, Iowa, and junction U.S. Highway 73-75 and 275 at Omaha, Nebr., as follows: from Cedar Rapids over U.S. Highway 218 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction U.S. Highway 73-75, thence over U.S. Highway 73-75 to junction U.S. Highway 275 at Omaha and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between

Cedar Rapids, Iowa, and junction U.S. Highways 275 and 73-75 at Omaha, Nebr., over the following pertinent route: from Cedar Rapids over U.S. Highway 30 to junction Iowa Highway 141, thence over Iowa Highway 141 to junction U.S. Highway 77, thence over U.S. Highway 77 to junction Nebraska Highway 32, thence over Nebraska Highway 32 to junction U.S. Highway 275, thence over U.S. Highway 275 to junction U.S. Highway 73-75 at Omaha.

MOTOR CARRIERS OF PASSENGERS

No. MC 1940 (Deviation No. 3), TRAILWAYS OF NEW ENGLAND, INC., 820 T Street, NE., Washington 18, D.C., filed March 13, 1959. Attorney for said carrier, Julian P. Freret, Continental Building, 14th at K NW., Washington 5, D.C. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over a deviation route, between Hartford, Conn., and Windsor Locks, Conn., as follows: from the bus terminal at Hartford over presently authorized route to the junction of Main Street and Veterans Highway, thence over Veterans Highway through the Town of Windsor and Windsor Locks to junction U.S. Highway 5A in Windsor Locks and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Hartford, Conn., and Windsor Locks, Conn., over U.S. Highway 5A and Connecticut Highways 9 and 17 via Middletown, Conn.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-2499; Filed, Mar. 24, 1959;
8:50 a.m.]

[Notice 261]

MOTOR CARRIER APPLICATIONS

MARCH 20, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub No. 98), filed August 28, 1958. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Class A and B explosives*, (1) between Cortez, Colo.,

and Gallup, N. Mex., from Cortez over U.S. Highway 666 to Gallup, and return over the same route, serving all intermediate points; (2) between Durango, Colo., and Gallup, N. Mex., from Durango over U.S. Highway 550 to Shiprock, N. Mex., thence over U.S. Highway 666 to Gallup, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations, in Washington, Oregon, Idaho, Colorado, Utah, Nevada, California, New Mexico, and Arizona.

HEARING: May 20, 1959, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 125, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 730 (Sub No. 133), filed February 24, 1959. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Los Angeles, Calif., and Wichita, Kans., from Los Angeles over U.S. Highway 70 to junction Arizona Highway 71, thence over Arizona Highway 71 to Congress, Ariz., thence over U.S. Highway 89 to junction U.S. Highway 66 near Ash Fork, Ariz., thence over U.S. Highway 66 to Tucumcari, N. Mex., thence over U.S. Highway 54 to Wichita, and return over the same route, serving Colton, Calif., as an intermediate point. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Applicant requests that any duplication of authority shall not be construed as conferring more than a single operating right. Applicant states that Colton, Calif., is proposed to be served for the purpose of joinder only with applicant's authorized regular routes.

HEARING: May 11, 1959, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 1942 (Sub No. 4), filed February 20, 1959. Applicant: MARVIN STROBEL AND MERRITT McDONALD, a partnership, doing business as RICHMOND TRUCK LINE, Richmond, Kans. Applicant's attorney: James L. Grimes, Jr., First National Bank Building, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured, finished church furniture*, set up and/or knocked down, from Garnett, Kans. to points in Ohio, Kansas, Missouri, Iowa, Nebraska, Oklahoma, Pennsylvania, Illinois and Texas. Applicant is authorized to conduct operations in Kansas and Missouri.

HEARING: May 11, 1959, at the Hotel Kansan, Topeka, Kans., before Examiner Harold W. Angle.

No. MC 2202 (Sub No. 170), filed January 28, 1959. Applicant: ROADWAY

EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Fredericksburg, Ohio, as an off-route point in connection with applicant's authorized regular route operations to and from Wooster, Ohio. Applicant is authorized to conduct operations in Alabama, Connecticut, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: May 8, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 2229 (Sub No. 94), filed December 29, 1958. Applicant: RED BALL MOTOR FREIGHT, INC., 1210 S. Lamar, P.O. Box 3148, Dallas, Tex. Applicant's attorney: Scott P. Sayers, 817 Taylor Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excluding commodities in bulk, commodities of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, between Beaumont, Tex., and junction Texas Highways 124 and 73; from Beaumont over Texas Highway 124 to junction Texas Highways 124 and 73, and return over the same route, serving no intermediate points, and serving the termini for joinder only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route authority. Applicant is authorized to conduct operations in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

HEARING: April 29, 1959, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 2392 (Sub No. 16), filed November 19, 1958. Applicant: WHEELER TRANSPORT SERVICE, INC., Genoa, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the site of the Great Lakes Pipe Line terminal truck loading rack in or near Carter Lake, Nebr., to points in Nebraska. Applicant is authorized to conduct operations in Kansas, Nebraska and Iowa.

HEARING: May 18, 1959, at the Rome Hotel, Omaha, Nebr., before Joint Board No. 93, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 5267 (Sub No. 11), filed January 26, 1959. Applicant: WILLIAM R. BLUMFIELD AND OLIVET ATWOOD BRUMFIELD, doing business as ATWOOD TRUCK LINE, Route 1, Fort Morgan, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, from Boettcher, Colo., and points within 5 miles thereof, to points in Albany, Carbon, Converse, Fremont, Goshen, Hot Springs, Laramie, Natrona, Niobrara, Platte, and Weston Counties, Wyo., those in Nebraska in and west of Chase, Deuel, Dundy, Garden, Keith, Perkins and Sheridan Counties, and those in Kansas on and west of U.S. Highway 283; (2) *Limestone and its products and by-products*, (a) between points in Colorado and Wyoming and (b) from points in Colorado to points in Nebraska and Kansas. Applicant is authorized to conduct operations in Iowa, Nebraska, Colorado, and Wyoming.

HEARING: May 18, 1959, at the New Customs House, Denver, Colo., before Examiner Robert A. Joyner.

No. MC 8681 (Sub No. 72), filed January 19, 1959. Applicant: WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo. Applicant's attorney: Louis E. Smith, Suite 503, 1800 North Meridian Street, Indianapolis 2, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Turret derricks*, in truckaway service, from Denver, Colo., to all points in the United States; and damaged shipments of the above described units on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 13, 1959, at the New Customs House, Denver, Colo., before Examiner Robert A. Joyner.

No. MC 9895 (Sub No. 101), filed December 29, 1958. Applicant: DENVER-CHICAGO TRANSPORT COMPANY, INC., East 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, I. From Gering, Nebr., and points within ten (10) miles thereof, to: (1) points in South Dakota on and west of a line commencing at the Nebraska-South Dakota State line north along U.S. Highway 183 to junction U.S. Highway 16 near Presho, thence west along U.S. Highways 16 and 183 to junction U.S. Highway 83 near Vivian, and thence north along U.S. Highway 83 to the North Dakota-South Dakota State line; (2) points in Colorado on, north and east of a line commencing at the Kansas-Colorado State line along U.S. Highway 35 to Denver, thence northwesterly along U.S. Highway 40 to junction Colorado Highway 125 near Granby, and thence northerly along Colorado Highway 125 to the Colorado-Wyoming State line; and (3) points in Wyoming on and east of a line commencing at the Colorado-

Wyoming State line northwesterly along U.S. Highway 287 through Rawlins, and to Lander, thence northeasterly along Wyoming Highway 789 to Shoshoni, thence along U.S. Highway 20 to Thermopolis, thence northwesterly along Wyoming Highway 120 to Cody, thence northeasterly along Wyoming Highway 14 to Powell, thence northerly over unnumbered highway to Elk Basin, and, thence north along a line running straight north and south, through Elk Basin, to the Wyoming-Montana State line. II. From Torrington, Wyo., and points within ten (10) miles thereof, to: (1) points in South Dakota on and west of a line as described in I (1) above, from Gering, Nebr.; (2) points in Colorado on, north and east of a line as described in I (2) above, from Gering, Nebr.; and (3) points in Nebraska on and west of U.S. Highway 183. Applicant is authorized to conduct operations in Wyoming, Colorado, Kansas, Nebraska, South Dakota, Utah, Missouri, and Idaho.

HEARING: May 11, 1959, at the New Customs House, Denver, Colo., before Examiner Robert A. Joyner.

No. MC 9895 (Sub No. 103), filed January 30, 1959. Applicant: DENVER-CHICAGO TRANSPORT COMPANY, INC., East 45th Avenue and Jackson Street, P.O. Box 838, Denver, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, from points in Wyoming to points in Idaho; and (2) *Petroleum products*, in bulk, in tank vehicles, from points in Colorado to points in that part of South Dakota on and west of a line extending from the North Dakota-South Dakota State line along South Dakota Highway 45 to junction U.S. Highway 16, thence in an easterly direction along U.S. Highway 16 to junction U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-Nebraska State line. Applicant is authorized to conduct operations in Colorado, Idaho, Kansas, Missouri, Nebraska, South Dakota, Utah, and Wyoming.

NOTE: Applicant states it is presently conducting operations from points in Colorado to the described South Dakota points, observing its Wyoming gateways. Duplication with present authority to be eliminated.

HEARING: May 19, 1959, at the New Customs-Hotel, Denver, Colo., before Examiner Robert A. Joyner.

No. MC 23939 (Sub No. 85), filed January 26, 1959. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: E. B. Evans, 718 Symes Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids*, in bulk, in shipper-owned specially designed semi-trailers, (1) between points in Colorado, and (2) between points in Colorado, on the one hand, and, on the other, points in Laramie and Albany Counties, Wyoming. Applicant is authorized to conduct operations in Washington, Oregon, Idaho, California, Colo-

rado, Montana, Nevada, Utah, and Wyoming.

HEARING: May 14, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 50, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 28990 (Sub No. 4), filed January 28, 1959. Applicant: SEYMOUR TRANSFER LINES, INC., 140 East Wisconsin Avenue, Seymour, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Waupaca, Wis., and Wautoma, Wis., over Wisconsin Highway 22, serving all intermediate points. Applicant is authorized to conduct operations in Wisconsin.

HEARING: May 15, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 29886 (Sub No. 144), filed March 2, 1959. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such road construction machinery and equipment* as is described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, from points in Los Angeles and Orange Counties, Calif., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 8, 1959, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 30605 (Sub No. 108), filed March 3, 1959. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 433 East Waterman, Wichita, Kans. Applicant's attorney: Francis J. Steinbrecher, Law Dept., The Atchison, Topeka and Santa Fe Railway System, 80 East Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: (1) *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment; and (2) *Class A and B explosives* (except nitroglycerin), in service that is auxiliary to, or supplemental of, rail service of The Atchison, Topeka and Santa Fe Railway Company, between Wichita, Kans., and Hutchinson, Kans.; from Wichita over U.S. Highway 54, via Kingman, to junction unnumbered highway (approximately 4 miles east of Kingman), thence over unnumbered highway, via Varner, to Pretty Prairie, thence over unnumbered highway to junction Kansas Highway 17, and thence over Kansas Highway 17 to Hutchinson, and return over the same route, serving the intermediate points of

Kingman, Varner and Pretty Prairie, Kans., and the off-route point of Cheney, Kans. Applicant is authorized to conduct operations in Nebraska, Oklahoma, Kansas, Missouri, Arkansas, Colorado, New Mexico, and Texas.

NOTE: Applicant states it proposes to serve the intermediate points of Kingman, Varner and Pretty Prairie in addition to service presently authorized under the proposed route in No. MC-F-6688, purchase of Payne Brothers Truck Line of Kingman, Kans., pursuant to Order of the Commission dated July 30, 1958; applicant also requests that service to the off-route point of Cheney be restricted to service that is auxiliary to, or supplemental of, rail service of The Atchison, Topeka and Santa Fe Railway Company.

HEARING: May 14, 1959, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 30884 (Sub No. 5), filed March 2, 1959. Applicant: JACK COOPER TRANSPORT COMPANY, INC., 3936 Ewing Avenue, Kansas City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Motor vehicles*, except trailers, in initial movements, by truckaway and driveaway, and *parts*, and *show paraphernalia* when accompanying such vehicles, from the site of the plant of the Chevrolet Division, General Motors Corporation, at Kansas City, Mo., to points in Illinois, Louisiana, Minnesota, Mississippi, North Dakota, and Tennessee, and (2) *motor vehicles*, except trailers, in secondary movements, by driveaway and truckaway, between points in Illinois, Louisiana, Minnesota, Mississippi, North Dakota, Tennessee, Arkansas, Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Utah, and Wyoming, restricted to the transportation of vehicles, which have previously been transported in initial movements from a plant of the Chevrolet Division of General Motors Corporation. Applicant is authorized to conduct operations in Arkansas, Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

NOTE: Common control and dual operations under section 210 may be involved.

HEARING: April 16, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

No. MC 31600 (Sub No. 462), filed February 2, 1959. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, in bulk, in trailer vehicles, and *dry commodities*, in bulk, in trailer vehicles, except portland, hydraulic and masonry cement, between points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michi-

gan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

HEARING: May 11, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy, for the purpose of receiving applicant's evidence.

No. MC 42487 (Sub No. 381), filed October 22, 1958. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Ore. Applicant's attorneys: R. E. Poelman, Consolidated Freightways, Inc., 431 Burgess Drive, Menlo Park, Calif., and Donald A. Schafer, 1026 Public Service Building, Portland 4, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, over an alternate route. Applicant seeks to have eliminated from its authority in Certificate No. MC 42487 (Sub No. 249) the restriction "with service over this route restricted to traffic moving to or from points in Washington, Oregon and Idaho" presently contained in its authority as follows: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, over an alternate route for operating convenience only, between Casper, Wyo., and Pocatello, Idaho, serving no intermediate points and serving Casper for the purpose of joinder only; with service over this route restricted to traffic moving to or from points in Washington, Oregon, and Idaho: From Casper over Wyoming Highway 220 through Alcova, Wyo., to junction U.S. Highway 287, at Muddy Gap, Wyo., thence over U.S. Highway 287 through Lamont, Wyo., to Rawlins, Wyo., thence over U.S. Highway 30 through Rock Springs, Wyo., to junction U.S. Highway 30-N about five miles south of Granger, Wyo., thence over U.S. Highway 30-N through Kemmerer, Sage, and Border, Wyo., and Montpelier, Soda Springs, and McCammon, Idaho, to Pocatello, and return over the same route. Applicant is authorized to conduct operations in Arizona, California, Illinois, Idaho, Iowa, Indiana, Minnesota, Michigan, Montana, Nebraska, Nevada, Oregon, North Dakota, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

HEARING: May 7, 1959, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 29, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 47323 (Sub No. 4), filed January 14, 1959. Applicant: TAJON TRUCKING CO., a corporation, 818 Frick Building, Pittsburgh 19, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles, from Conneaut, Ohio, to Ceico, Ohio (both points located in Ashtabula County, Ohio), said coal having had a prior interstate movement by rail. Applicant is authorized to transport bulk commodities in Ohio and Pennsylvania.

HEARING: May 8, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 48213 (Sub No. 17), filed March 5, 1959. Applicant: C. E. LIZZA, INC., First National Bank Building, Latrobe, Pa. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Blasting supplies, materials and agents and the component parts thereof, ammonium nitrate, nitro-carbo-nitrate, and equipment incidental to the use of the above specified commodities*, from the plant sites or magazines of American Cyanamid Company at or near Coverts and Latrobe, Pa., to points in Alabama, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, Arkansas, Delaware, Maryland, New Hampshire, New Jersey, Rhode Island, Vermont, Maine, Colorado, and Utah, and *returned or damaged shipments* of the above described commodities and *empty containers or other articles* used in transporting the above commodities on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: April 30, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William Sullivan.

No. MC 50002 (Sub No. 31), filed February 19, 1959. Applicant: T. CLARENCE BRIDGE AND HENRY W. BRIDGE, a partnership, doing business as BRIDGE BROTHERS, North Santa Fe Trail, Lamar, Colo. Applicant's attorney: C. Zimmerman, 503 Schweiter Building, Wichita 2, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from points in Prowers, Baca, and Bent Counties, Colo., to points in Kansas. Applicant is authorized to conduct operations in Colorado, Kansas, Texas, Nebraska, Oklahoma, Wyoming, and Missouri.

HEARING: May 14, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 43, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 50069 (Sub No. 207), filed February 3, 1959. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit

1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, except milk and petroleum products, but *including petroleum chemicals*, in bulk, in or on trailer vehicles, between points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee, and Wisconsin on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

HEARING: June 8, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas P. Kilroy, for the purpose of receiving applicant's evidence.

No. MC 50069 (Sub No. 208), filed February 3, 1959. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, in or on trailer vehicles, between points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee, and Wisconsin, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Maine, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: June 8, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy, for the purpose of receiving applicant's evidence.

No. MC 50404 (Sub No. 66), filed December 21, 1958. Applicant: THE MAXWELL CO., a corporation, 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Hydrochloric acid*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in West Virginia except Huntington, W. Va., and *empty containers or other such incidental facilities* used in

transporting hydrochloric acid, on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 50404 Sub No. 55, to determine whether applicant's status is that of a common or contract carrier.

HEARING: May 4, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 62.

No. MC 52458 (Sub No. 147), filed March 5, 1959. Applicant: T. I. McCORMACK TRUCKING COMPANY, INC., U.S. Route 9, Woodbridge, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities and dry commodities*, in bulk, in trailer vehicles, between points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

NOTE: Applicant states that no duplicating authority is sought.

HEARING: July 2, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy, for the purpose of receiving applicant's evidence.

No. MC 54578 (Sub No. 26), (Republication) filed November 17, 1958. Applicant: SAN JUAN BASIN LINES, INC., 1623 Broadway NE., Albuquerque, N. Mex. Applicant's attorney: Donovan N. Hoover, P.O. Box 897, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in New Mexico, Arizona, Colorado, and Utah, as follows: (1) from Cortez, Colo., over Colorado Highway 146 to the Colorado-Utah State line, thence over Utah Highway 262 to junction Utah Highway 47, thence over Utah Highway 47 to Blanding, Utah, and return over the same route, and (2) from Shiprock, N. Mex., over New Mexico Highway 504 to the New Mexico-Arizona State line, thence over unnumbered Arizona Highway to the Arizona-Utah State line, thence over un-

numbered Utah Highway to junction Utah Highway 262 (approximately ten (10) miles west of Aneth, Utah), thence over Utah Highway 262 to junction Utah Highway 47, thence over Utah Highway 47 to Blanding, Utah, and return over the same route; Serving all intermediate points, and points within five (5) miles of said highways, including the El Paso Natural Gas Pump Station and the Four-Corners Crude Oil Pump Station, adjacent to Utah Highway 262, as off-route points. Applicant is authorized to conduct operations in Colorado and New Mexico.

NOTE: Duplication with present authority to be eliminated. Applicant states that the above operations will be conducted in connection with its presently authorized operations.

HEARING: May 25, 1959, at the Hilton Hotel, Albuquerque, N. Mex., before Examiner Robert A. Joyner.

No. MC 56637 (Sub No. 7), filed February 18, 1959. Applicant: R. C. A. TRUCK LINES, INC., P.O. Box 989, Rome, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives as defined in the Commission's Explosives and other dangerous Articles regulations, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Summerville, Ga., and Lyerly, Ga., over Georgia Highway 114, serving all intermediate points. Applicant is authorized to conduct operations in Georgia and Tennessee.

HEARING: April 20, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 101, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 60612 (Sub No. 12), (CORRECTION) filed January 4, 1959. Applicant: SAMUEL TISCHLER, Morton Avenue, Rosenhayn, N.J. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. The republication of the notice of filing of the subject application on page 2013 issue of the FEDERAL REGISTER of March 18, 1959, designated applicant's representative, Charles H. Trayford as an attorney at law, in error. Mr. Trayford is admitted to practice before the Commission, but is not an attorney at law.

No. MC 61403 (Sub No. 39), filed February 20, 1959. Applicant: THE MASON AND DIXON TANK LINES, INC., Wilcox Drive, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry and liquid commodities*, except milk and petroleum products, but including *petroleum chemicals*, in bulk, in trailer vehicles, between points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, West Virginia, and Wisconsin, on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hamp-

shire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Washington, D.C. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, and Wisconsin.

HEARING: June 25, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy, for the purpose of receiving evidence.

No. MC 61978 (Sub No. 7), filed January 26, 1959. Applicant: HALLIE ZERKLE, doing business as ZERKLE TRANSFER CO., 34½ Race Street, Middleport, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oil and greases*, in packages, cans, drums or other containers, from St. Marys, W. Va., to Gallipolis, Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in West Virginia, Ohio, and Kentucky.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 61978 (Sub No. 6).

HEARING: May 5, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 37.

No. MC 64994 (Sub No. 26), filed January 15, 1959. Applicant: HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C. Applicant's attorney: A. W. Flynn, Jr., 201-204 Jefferson Building, Greensboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in the Cincinnati, Ohio, Commercial Zone, as defined by the Commission in Ex Parte No. MC/30. Applicant is authorized to conduct operations in North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, South Carolina, Maryland, Illinois, Indiana, Michigan, New York, and New Jersey.

HEARING: May 6, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 37.

No. MC 81968 (Sub No. 16), filed February 17, 1959. Applicant: B & L MOTOR FREIGHT, INC., 171 Riverside Drive, Newark, Ohio. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in-

cluding *liquid commodities*, in bulk, in tank vehicles, but excluding household goods as defined by the Commission, Class A and B explosives, those of unusual value, and those requiring special equipment, other than tank vehicles between Newark, Ohio on the one hand, and, on the other, points in North Carolina, South Carolina, Tennessee, and Virginia. Applicant is authorized to conduct operations in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia, and Wisconsin.

NOTE: Applicant states that the above transportation will be conducted under a continuing contract with Owens-Corning Fiberglass Corporation of Toledo, Ohio. A proceeding has been instituted under section 212(c) of the Act to determine whether applicant's status is that of a common or contract carrier in MC 81968 (Sub No. 13).

HEARING: April 28, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William Sullivan.

No. MC 89697 (Sub No. 20), filed February 10, 1959. Applicant: KRAJACK TANK LINES, INC., 480 Westfield Avenue, Roselle Park, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, except milk and petroleum products but including *petroleum chemicals*, in bulk, in tank vehicles, between points in Illinois, Indiana, Iowa, Kansas, Ohio, Kentucky, Michigan, Minnesota, Missouri, Tennessee, and Wisconsin, on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

HEARING: June 15, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy, for the purpose of receiving applicant's evidence.

No. MC 92550 (Sub No. 6), filed January 26, 1959. Applicant: J. G. STROCK, doing business as SAFEWAY MOTOR FREIGHT COMPANY, 846 Willard Avenue NE., Warren, Ohio. Applicant's representative: J. J. Kuhner, 736 Society for Savings Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel bolts, clevis pins, and rivets*, from Girard, Ohio, to points in that part of Michigan located on, south, and east of a line beginning at Port Huron, Mich., and extending along Michigan Highway 21 to St. Johns, Mich., thence along U.S. Highway 27 to Lansing, Mich., thence along U.S. Highway 127 to the Michigan-Ohio State line, and *empty containers or other such incidental facilities* (not

specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Kentucky, Michigan, Ohio, Pennsylvania, and West Virginia.

HEARING: May 11, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 92983 (Sub No. 336), filed January 21, 1959. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in the Kansas City, Kans., Commercial Zone, as defined by the Commission, to points in Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: April 16, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

No. MC 92983 (Sub No. 341), filed February 25, 1959. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in Indiana, Ohio, Michigan, and Wisconsin, to points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone. Applicant is authorized to conduct operations in Illinois, Nebraska, Missouri, Wisconsin, Iowa, Indiana, Kansas, Arkansas, Ohio, Minnesota, Kentucky, North Carolina, South Carolina, Florida, Louisiana, Tennessee, Michigan, Texas, New York, North Dakota, South Dakota, Pennsylvania, Connecticut, Massachusetts, Georgia, Mississippi, Alabama, and Oklahoma.

HEARING: April 17, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

No. MC 92983 (Sub No. 343), filed March 5, 1959. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, to points in Arizona, California, Nevada, New Mexico, Oregon, and Utah. Applicant is authorized to conduct operations in Iowa, Illinois, Nebraska, Wisconsin, Missouri, Kansas, Indiana, Minnesota, Ohio, Arkansas, Kentucky, North Carolina, South Carolina, Louisiana, Florida, Tennessee, Michigan, New York, Texas, North Dakota, South Dakota, Pennsylvania, Massachusetts, Connecticut, Georgia, Mississippi, Oklahoma, and Alabama.

HEARING: April 17, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

No. MC 92983 (Sub No. 344), filed March 4, 1959. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from Windham, Iowa, and points within fifteen (15) miles thereof, to points in Illinois, Iowa, Missouri, Minnesota, Nebraska, South Dakota, and Wisconsin. Applicant is authorized to conduct operations in Iowa, Illinois, Nebraska, Wisconsin, Missouri, Kentucky, Arkansas, Ohio, Minnesota, Indiana, Kansas, North Carolina, South Carolina, Louisiana, Florida, South Dakota, Tennessee, Michigan, New York, Texas, North Dakota, Pennsylvania, Massachusetts, Connecticut, Georgia, Mississippi, Oklahoma, and Alabama.

HEARING: April 27, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 97699 (Sub No. 9), filed November 28, 1958. Applicant: BARBER TRANSPORTATION COMPANY, a corporation, 321 Sixth Street, Rapid City, S. Dak. Applicant's attorney: Lee Reeder, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including those of *unusual value*, *Class A and B explosives*, but excluding livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Hot Springs, S. Dak., and Lusk, Wyo., from Hot Springs over Alternate U.S. Highway 85 to Edgemont, S. Dak., thence over U.S. Highway 18 to junction U.S. Highway 85, thence over U.S. Highway 85 to Lusk, and return over the same route, serving no intermediate points. Applicant is authorized to conduct regular route operations in Illinois, Iowa, Minnesota, Nebraska, South Dakota, and Wyoming, and irregular route operations in Minnesota, and South Dakota.

HEARING: May 25, 1959, at the Alex Johnson Hotel, Rapid City, S. Dak., before Joint Board No. 183.

No. MC 97699 (Sub No. 10), filed November 28, 1958. Applicant: BARBER TRANSPORTATION COMPANY, a corporation, 321 Sixth Street, Rapid City, S. Dak. Applicant's attorney: Lee Reeder, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including those of *unusual value*, *Class A and B explosives*, but excluding livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Pierre, S. Dak., and Fort Thompson, S. Dak., and the site of the Big Bend Dam near Fort Thompson, S. Dak., as follows: (a) from Pierre over South Dakota Highway 34 to Mac's Corner, S. Dak., thence over South Dakota Highway 47 to a point approximately fourteen (14) miles south of Mac's corner and junction South Dakota Highways 34 and 47, thence in a westerly

direction over unnumbered County Highway to Fort Thompson, S. Dak., thence over unnumbered County Road to the North Big Bend Dam site, thence across the Big Bend Dam to the South Dam Site, and return over the same route, serving Fort Thompson, the North Big Bend Dam site, and the South Big Bend Dam site, and serving no other intermediate points, and (b) from Pierre over South Dakota Highway 34 to Mac's Corner and Stephen, S. Dak., thence in a southerly direction over unnumbered County Highway to Fort Thompson, thence over unnumbered County Roads to the North Big Bend Dam site, thence across the Big Bend Dam to the South Dam site, and return over the same route, serving Fort Thompson, the North Big Bend Dam site, and the South Big Bend Dam site, and serving no other intermediate points; (2) Between Chamberlain, S. Dak., and Fort Thompson, S. Dak., and the site of the Big Bend Dam, near Fort Thompson, as follows: (a) from Chamberlain over South Dakota Highway 47 to junction South Dakota Highway 34, thence in a westerly direction over unnumbered County Highway to Fort Thompson, thence over unnumbered County Roads to the North Big Bend Dam site, thence across the Big Bend Dam to the South Dam site, and return over the same route, serving Fort Thompson, the North Big Bend Dam site, and the South Big Bend Dam site, and serving no other intermediate points; and (b) from Chamberlain over South Dakota Highway 47 to junction unnumbered County Highway near Badashosha Lake, approximately fifteen (15) miles north of Chamberlain, thence in a northwesterly direction over unnumbered County Highway to Fort Thompson, thence over unnumbered County Roads to the North Big Bend Dam site, thence across the Big Bend Dam to the South Dam site, and return over the same route, serving Fort Thompson, the North Big Bend Dam site, and the South Big Bend Dam site, and serving no other intermediate points; (3) Between Reliance, S. Dak., and Lower Brule, S. Dak., and the site of the Big Bend Dam near Lower Brule, as follows: from Reliance in a northerly direction over unnumbered County Highways to Lower Brule, thence over unnumbered County Roads to the South Big Bend Dam site, thence across the Big Bend Dam to the North Dam site, and return over the same route, serving Lower Brule, the South Big Bend Dam site, and the North Big Bend Dam site, and serving no other intermediate points; (4) Between Reliance, S. Dak., and the site of the Big Bend Dam as follows: from Reliance in a northerly direction over unnumbered County Highways and special roads built to serve the Big Bend Dam site, to the South Big Bend Dam site, thence across the Big Bend Dam to the North Big Bend Dam site, and return over the same route, serving the South Big Bend Dam site, the North Big Bend Dam site, and serving no other intermediate points; and (5) Between Pierre, S. Dak., and Lower Brule, S. Dak., and the site of the Big Bend Dam as follows: (a) from Pierre over U.S. Highway 83 to junction U.S. Highway 16, near Vivian, S. Dak.,

thence over U.S. Highway 16 to Reliance, S. Dak., thence over unnumbered County Highways and specially built roads to Lower Brule and to the South Bank site of the Big Bend Dam, thence over the Big Bend Dam to the North Dam site, and return over the same route, serving Lower Brule, the South Big Bend Dam site, and the North Big Bend Dam site, and serving no other intermediate points, but serving junction U.S. Highways 83 and 16 as a point of joinder only; and (b) from Pierre over U.S. Highway 83 to junction unnumbered County Highway approximately fourteen (14) miles south of Pierre, thence in an easterly direction over unnumbered County Highway to Lower Brule, and the South Bank site of the Big Bend Dam, thence over the Big Bend Dam to the North Dam site, and return over the same route, serving Lower Brule, the South Big Bend Dam site and the North Big Bend Dam site, and serving no intermediate points. Applicant is authorized to conduct regular route operations in Illinois, Iowa, Minnesota, Nebraska, South Dakota, and Wyoming, and irregular route operations in Minnesota and South Dakota.

HEARING: May 20, 1959, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 230.

No. MC 97714 (Sub No. 3), filed February 13, 1959. Applicant: ASHTABULA-CONNELT TRUCKING AND STORAGE CO., an Ohio corporation, 2005 East Prospect Road, Ashtabula, Ohio. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* usually and ordinarily transported in dump trucks, between Ashtabula and Conneaut, Ohio, on the one hand, and, on the other, points in Ohio. Applicant is authorized to conduct operations in Ohio, Indiana, Illinois, Kentucky, Maryland, Michigan, Missouri, New York, Pennsylvania, and West Virginia.

HEARING: May 7, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 98599 (Sub No. 8), filed November 24, 1958. Applicant: ZUNI TRUCKING COMPANY, a corporation, P.O. Box 746, Grants, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty steel drums*, from Grand Junction, Colo., to points in McKinley, San Juan, and Valencia Counties, N. Mex. Applicant is authorized to conduct operations in Colorado and New Mexico.

HEARING: May 27, 1959, at the Hilton Hotel, Albuquerque, N. Mex., before Joint Board No. 125, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 101126 (Sub No. 117), filed January 2, 1959. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal, vegetable, and tall oil products*, in bulk,

in insulated, stainless steel or aluminum tank vehicles, from St. Bernard and Cincinnati, Ohio, to Nitro, W. Va. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 101126 (Sub No. 86) to determine whether applicant's status is that of a common or contract carrier.

HEARING: May 5, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 62.

No. MC 101476 (Sub No. 14), filed January 5, 1959. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Applicant's representative: C. A. Ross, 1004-1005 Trust Building, Lincoln, Nebr. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed grade urea compounds and technical grade urea*, in bulk and in bags, from points in Oklahoma to points in Kansas and Nebraska, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in Kansas, Iowa, Nebraska, Colorado, Minnesota, North Dakota, South Dakota, Missouri, and Montana.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 101476 (Sub No. 10).

HEARING: May 22, 1959, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 307, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 101476 (Sub No. 16), filed February 11, 1959. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Applicant's representative: C. A. Ross, 1004-1005 Trust Building, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa meal and pellets*, in bulk or in containers, from Fremont and Nebraska City, Nebr., and points within 5 miles thereof, to points in Iowa, Illinois, Minnesota, Missouri, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in MC 101476 (Sub No. 10).

HEARING: May 19, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner Harold W. Angle.

No. MC 101476 (Sub No. 17), filed February 16, 1959. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Applicant's representative: C. A. Ross, 1004-1005 Trust Building, Lincoln 8, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry manufactured fertilizers and dry fertilizer materials or compounds*, in bulk and in bags or containers from Waterloo, Iowa, and points within 10 miles thereof, to points in Nebraska and South Dakota. Applicant is authorized to conduct operations in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

NOTE: A proceeding has been instituted under section 212(c) of the Act to determine whether applicant's status is that of a common or contract carrier in No. MC 101476 (Sub No. 10).

HEARING: May 19, 1959, at the Rome Hotel, Omaha, Nebr., before Joint Board No. 185, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 101476 (Sub No. 18), filed February 20, 1959. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Applicant's representative: C. A. Ross, 1004-1005 Trust Building, Lincoln 8, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry manufactured fertilizers and dry fertilizer materials or compounds*, in bulk, in bags or containers, from Lawrence, Kansas and points within 5 miles thereof, to points in Colorado, Iowa, Oklahoma, and South Dakota, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in MC 101476 (Sub No. 10).

HEARING: May 21, 1959, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner Harold W. Angle.

No. MC 101476 (Sub No. 19), filed February 26, 1959. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Applicant's representative: C. A. Ross, 1004-1005 Trust Building, Lincoln 8, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt compounds*, in bulk, blocks, bags or other containers, (1) from Lyons, Kans., to points in Minnesota, North Dakota and South Dakota; (2) from Hutchinson and South Hutchinson, Kans., to points in Minnesota and North Dakota, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to con-

duct operations in Illinois, Kansas, Nebraska, Iowa, Wyoming, and Missouri.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 101476 (Sub No. 10).

HEARING: May 20, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner Harold W. Angle.

No. MC 102616 (Sub No. 669), filed February 2, 1959. Applicant: COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly 1624 Eye Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities* and *dry commodities*, in bulk, in trailer vehicles, not including Portland, hydraulic, and masonry cement, dry, between points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

HEARING: June 1, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy, for the purpose of receiving applicant's evidence.

No. MC 103993 (Sub No. 115), filed February 18, 1959. Applicant: MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Maryland, except Elkton, to points in the United States, except Mount Clemens, Detroit, and Flint, Mich. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 5, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William Sullivan.

No. MC 104340 (Sub No. 135), filed February 25, 1959. Applicant: LEAMAN TRANSPORTATION COMPANY, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz and V. Baker Smith, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from St. Marys and Morgantown, W. Va., to points in Ohio and

Pennsylvania. Applicant is authorized to conduct operations in Ohio, Pennsylvania, West Virginia, New York, Massachusetts, Virginia, Connecticut, New Hampshire, and Vermont.

NOTE: Duplicating authority should be eliminated.

HEARING: April 29, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William Sullivan.

No. MC 104421 (Sub No. 9), filed January 5, 1959. Applicant: ALFRED LEON JOHNSON, doing business as JOHNSON TRUCK LINE, Route 1, Washington, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, except those of unusual value, Class A and B explosives, bulk liquids, and commodities requiring special equipment, between points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points within a 15-mile radius of Washington, Kans.; (2) *Emigrant farm movables*, between points within a 35-mile radius of Washington, Kans., on the one hand, and, on the other, points in Nebraska, Oklahoma, Colorado, Missouri, and Iowa, when moving from farm to farm, farm to town or town to farm; (3) *agricultural machinery and implements*, set up or knocked down, between points within a 35-mile radius of Washington, Kans., on the one hand, and, on the other, points in Nebraska, Oklahoma, Colorado, Missouri, and Iowa, when moving from farm to farm, farm to town or town to farm. Applicant is authorized to conduct operations in Kansas, Missouri, and Nebraska.

HEARING: May 6, 1959, at the Hotel Kansan, Topeka, Kans., before Examiner Harold W. Angle.

No. MC 105813 (Sub No. 36), filed February 24, 1959. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's attorney: Sol H. Proctor, Suite 713-17 Professional Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, dairy products and articles distributed by meat packing houses*, as defined by the Commission in Appendix I to Ex Parte MC-45 Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 (272), and *Frozen foods*, from Lafayette, Ind., to points in Florida. Applicant is authorized to conduct operations in Illinois, Wisconsin, Florida, Missouri, Kansas, New York, Delaware, District of Columbia, Virginia, Maryland, Ohio, Massachusetts, New Jersey, Pennsylvania, Rhode Island, Kentucky, Iowa, and Indiana.

HEARING: April 21, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William R. Tyers.

No. MC 106965 (Sub No. 125), filed February 3, 1959. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jeffer-

son Place NW., Washington, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* and *liquid commodities* in bulk, in trailer vehicles, between points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Delaware, District of Columbia, Illinois, Indiana, Maryland, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin.

NOTE: Dual operations may be involved.

HEARING: June 11, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy, for the purpose of receiving applicant's evidence.

No. MC 107107 (Sub No. 115), filed February 24, 1959. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chicago, Ill., and Lafayette, Ind., to points in Alabama, Florida, and Georgia. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: April 23, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner David Waters.

No. MC 107107 (Sub No. 118), filed February 26, 1959. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, from Denison, Iowa, to points in North Carolina, South Carolina, Georgia, Alabama, and Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: May 20, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner Harold W. Angle.

No. MC 107403 (Sub No. 275), filed January 30, 1959. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, in bulk, between points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: May 4, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy for the purpose of receiving applicant's evidence.

No. MC 107403 (Sub No. 276), filed February 2, 1959. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, between points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: May 4, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy, for the purpose of receiving applicant's evidence.

No. MC 107678 (Sub No. 27), filed December 23, 1958. Applicant: HILL & HILL TRUCK LINE, INC., 13019 Sarah Lane, P.O. Box 9698, Houston 15, Tex. Applicant's attorney: Joe G. Fender, Melrose Building, Houston 2, Tex. Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and *pipe and machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except in connection with main or trunk pipe lines, between points in Texas, Oklahoma, and Montana on the one hand, and, on the other, points in Washington. Applicant is authorized to conduct operations in New Mexico, Oklahoma, Louisiana, Kansas, Texas, Wyoming, Montana, Colorado, North Dakota, Nevada, and Nebraska.

HEARING: April 28, 1959, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Richard H. Roberts.

No. MC 108449 (Sub No. 81), filed February 16, 1959. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul 13, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities and dry commodities*, in bulk, in semitrailer vehicles, between points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Illinois, Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

HEARING: July 7, 1959, in Room 852, U.S. Court House, 610 South Canal St., Chicago, Ill., before Examiner Thomas F. Kilroy, for the purpose of receiving applicant's evidence.

No. MC 108461 (Sub No. 72), filed November 5, 1958 (Republication). Applicant: WHITEFIELD TRANSPORTATION, INC., 240 West Amador Street, Las Cruces, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from the site of the Arizona Silica Sand Company at or near Houck, Ariz., to points within San Juan County, N. Mex., Montezuma County, Colo., and San Juan County, Utah. Applicant is authorized to conduct operations in Arizona, California, Colorado, New Mexico, Texas, and Utah.

HEARING: May 22, 1959, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Robert A. Joyner.

No. MC 108997 (Sub No. 2), filed November 24, 1958. Applicant: CLAUDE

M. TARBET, 311 South Maryland, Amarillo, Tex. Applicant's attorney: Rufus H. Lawson, P.O. Box 7342, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies, and refrigeration and air-conditioning machinery and equipment and parts therefor*, between points in New Mexico and Colorado and points in Dallam, Hartley, Oldham, Deaf Smith, Parmer, Castro, Swisher, Randall, Potter, Moore, Sherman, Hansford, Hutchinson, Carson, Armstrong, Briscoe, Hall, Donley, Gray, Roberts, Ochiltree, Lipscomb, Hemphill, Wheeler, Collingsworth, Childress, Lubbock, Harris, Tarrant, Dallas, Bexar, Nacogdoches, El Paso, Bastrop, and Rusk Counties, Tex. *Fertilizer*, in bulk or in containers, (a) from Tulsa, Okla., to points in New Mexico, Colorado, and those in Dallam, Hartley, Oldham, Deaf Smith, Parmer, Castro, Swisher, Randall, Potter, Moore, Sherman, Hansford, Hutchinson, Carson, Armstrong, Briscoe, Hall, Donley, Gray, Roberts, Ochiltree, Lipscomb, Hemphill, Wheeler, Collingsworth, Childress, Lubbock, Harris, Tarrant, Dallas, Bexar, Nacogdoches, and El Paso Counties, Tex. (b) From points in Moore, Deaf Smith, Harris, Tarrant, Dallas, Bexar, Lubbock, Nacogdoches, and El Paso Counties, Tex., to points in New Mexico and Colorado. *Lumber*, from points in New Mexico and Colorado to points in Dallam, Hartley, Oldham, Deaf Smith, Parmer, Castro, Swisher, Randall, Potter, Moore, Sherman, Hansford, Hutchinson, Carson, Armstrong, Briscoe, Hall, Donley, Gray, Roberts, Ochiltree, Lipscomb, Hemphill, Wheeler, Collingsworth, Childress, Lubbock, Harris, Tarrant, Dallas, Bexar, Nacogdoches, and El Paso Counties, Tex. Applicant is authorized to conduct operations in Colorado, New Mexico, Oklahoma, and Texas.

HEARING: June 2, 1959, at the Herring Hotel, Amarillo, Texas, before Examiner Robert A. Joyner.

No. MC 109397 (Sub No. 38), filed March 19, 1959. Applicant: TRI-STATE TRUCKING CO., a corporation, P.O. Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *High level radioactive fuel elements and containers therefor*, between The National Reactor Testing Station near Arco (Scoville), Idaho, on the one hand, and, on the other, reactor sites located at or near Ponca City, Okla., Lemont and Hovey, Ill., St. Paul, Minn., Columbus and West Jefferson, Ohio, and San Ramon, Calif., with authority to: (1) use either carrier-owned or shipper-provided containers affording the prescribed amounts of lead shielding to maintain minimum safe levels from radiation; which containers may be mounted on either carrier-owned or shipper-owned trailers; and (2) to provide fully trailer carrier personnel equipped to monitor and inspect the cooling devices during transit; and (3) carrier to furnish its own monitoring devices. Applicant is authorized to con-

duct operations in Missouri, Oklahoma, Kansas, Texas, Nebraska, Arkansas, New Mexico, and Illinois.

HEARING: April 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 109584 (Sub No. 53), filed January 16, 1959. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oils and liquid shortening*, in bulk, in tank vehicles, from points in Los Angeles and Orange Counties, Calif., to points in Oregon, Washington, Idaho, Utah, and Nevada; (2) *Molasses*, in bulk, in tank vehicles, from points in the Los Angeles Harbor Calif., Commercial Zone, as defined by the Commission, to Denver, Colo., and (3) *Rejected and contaminated shipments* of the above-specified commodities from the above-described destination points to the above-described origin points. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington.

HEARING: May 4, 1959, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 109584 (Sub No. 59), filed February 24, 1959. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixtures or blends of vegetable oils and animal fats*, in bulk, in tank vehicles, from points in the Los Angeles, Calif., and the Los Angeles Harbor, Calif., Commercial Zones, to points in Arizona (except from Long Beach, Calif., to Phoenix and Tucson, Ariz.), and *rejected and contaminated shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in Utah, California, Colorado, Idaho, Oregon, Washington, Nevada, Arizona, Texas, and New Mexico.

HEARING: May 7, 1959, at the Federal Building, Los Angeles, Calif., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 109584 (Sub No. 60), filed February 24, 1959. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Edible and inedible animal fats*, in bulk, in tank vehicles, from points in Colorado to points in California (except from Denver, Colo., to points in Los Angeles, San Francisco, Alameda, and Contra Costa Counties, Calif.), and (2) *meat*

and bone meal, in bulk, in hopper-type vehicles, from points in Colorado to points in California; and *rejected and contaminated shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in Utah, California, Colorado, Idaho, Oregon, Washington, Nevada, Arizona, Texas, and New Mexico.

HEARING: May 6, 1959, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 109584 (Sub No. 61), filed March 2, 1959. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Coconut oil*, in bulk, in tank vehicles, (1) from points in the Los Angeles Harbor Commercial Zone, Calif., to Lindsay, Calif., and points within five miles of Lindsay including Lindsay; (2) from points in Alameda, Contra Costa, and San Francisco Counties, Calif., to Lindsay, Calif., and points within five miles of Lindsay including Lindsay; (3) from Lindsay, Calif., and points within five miles of Lindsay including Lindsay to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, and Washington. *Rejected and contaminated shipments* of the above-specified commodity from the above-specified destination points to their respective origin points. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington.

HEARING: May 5, 1959, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 109637 (Sub No. 106), filed February 20, 1959. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, except milk and petroleum products, but including *petroleum chemicals*, in bulk, in tank vehicles, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: June 29, 1959, at the Offices of the Interstate Commerce Com-

mission, Washington, D.C., before Examiner Thomas F. Kilroy, for the purpose of receiving applicant's evidence.

No. MC 109637 (Sub No. 107), filed February 20, 1959. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, in tank, hopper or dump vehicles, and *empty containers or other such incidental facilities* (not specified) used in transporting dry commodities, between points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: June 29, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy, for the purpose of receiving applicant's evidence.

No. MC 109749 (Sub No. 8), filed October 27, 1958. (Republication.) Applicant: GAIL W. DAHL AND FRED E. HAGEN, doing business as DAHL TRUCK LINES, 4120 Floyd Avenue, Sioux City, Iowa. Applicant's attorney: Wallace W. Huff, 310-314 Security Bank Building, Sioux City 1, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packing house products* as defined by the Commission in Ex Parte No. MC-38, from Watertown, S. Dak., to points in North Dakota, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

NOTE: Common control may be involved. Applicant is authorized to conduct regular route operations in Iowa, Minnesota and South Dakota, and irregular route operations in Iowa, Minnesota, Montana, Nebraska, and South Dakota.

HEARING: May 18, 1959, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 158.

No. MC 110012 (Sub No. 7), (CORRECTION), filed November 7, 1958, published issue March 4, 1959, at page 1615. Applicant: G. B. C., INCORPORATED, Morristown, Tenn. Applicant's attorney: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. The subject application covered the transportation of various commodities to named points. On line four from the bottom of page 1615, the description reads: "-thiana and Middleton, Ky., to Baltimore". The to preceding Baltimore is in error, and the purpose of this correction is to strike

same. The line correctly will read: "thiana and Middleton, Ky., Baltimore."

HEARING: Remains as assigned April 9, 1959, at the County Court House, Knoxville, Tenn., before Examiner Lucian A. Jackson.

No. MC 110117 (Sub No. 12), filed February 11, 1959. Applicant: KENDRICK CARTAGE CO., a corporation, P.O. Box 63, Salem, Ill. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from the refinery of the Texas Company near Lawrenceville, Ill., to points in Indiana and Ohio. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Kentucky, Missouri, and Tennessee. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned No. MC 110117 (Sub No. 8).

HEARING: May 11, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 58.

No. MC 110410 (Sub No. 3), filed February 2, 1959. Applicant: BENTON BROTHERS FILM EXPRESS, INC., 168 Baker Street NW, Atlanta, Ga. Applicant's attorney: Devareaux F. McClatchey, Hurt Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines*, (1) between Atlanta, Warrenton, Thomson, Harlem and Augusta, Ga., and points in Georgia on and east of Georgia Highway 3 (also designated U.S. Highway 19), and south of Georgia Highway 12 on the one hand, and, on the other, points in Florida on and east of U.S. Highway 319 from the Georgia-Florida State line to Tallahassee, Fla., and on and north of a line beginning at Tallahassee and extending along U.S. Highway 90 to Watertown, Fla., thence along Florida Highway 100 to Starke, Fla., and thence along Florida Highway 16 to St. Augustine, Fla. (2) Between all points in Florida. Applicant is authorized to conduct operations in Florida and Georgia.

HEARING: May 1, 1959, at 680 West Peachtree Street NW, Atlanta, Ga., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 110698 (Sub No. 114), filed February 17, 1959. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Winston Road, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, except milk and petroleum products, but including *petroleum chemicals*, in bulk, in trailer vehicles, and *dry commodities*, in bulk, between points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts,

Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

HEARING: June 22, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy, for the purpose of receiving applicant's evidence.

No. MC 110988 (Sub No. 56), filed January 19, 1959. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's representative: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper maker's alum, liquid*, in bulk, in tank vehicles, from Neenah and Wisconsin Rapids, Wis., to points in Minnesota and the Upper Peninsula of Michigan. Applicant is authorized to conduct operations in Wisconsin, Illinois, Georgia, Louisiana, Missouri, Oklahoma, Texas, Nebraska, Minnesota, Iowa, Indiana, Michigan, Ohio, Kentucky, Arkansas, Kansas, Tennessee, and Florida.

HEARING: May 13, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 282.

No. MC 111401 (Sub No. 105), filed December 29, 1958. Applicant: GROENDYKE TRANSPORT, INC., 2204 North Grand, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium gas*, in bulk, in specialized vehicles, from points in Texas on and north of U.S. Highway 66, and from points in Oklahoma on and north of U.S. Highway 66 and on and west of U.S. Highway 283, to points in the United States. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, Texas, Utah, and Wyoming.

HEARING: June 1, 1959, at Herring Hotel, Amarillo, Tex., before Examiner Robert A. Joyner.

No. MC 111623 (Sub No. 18), filed December 9, 1958. Applicant: SCHWERMANN TRUCKING CO. OF OHIO, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, Legal Dept., Schwerman Trucking Co. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbon dioxide*, liquefied, in bulk, in tank vehicles, and *carbon dioxide*, solidified (dry ice), from the plant site of the Pure Carbonia Company, located in or near Lima, Ohio, to points in Kentucky and West Virginia, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return. Applicant is authorized to conduct

operations in Ohio, Indiana, Kentucky, Illinois, Pennsylvania, Michigan, Wisconsin, and West Virginia.

NOTE: Applicant states the proposed operation is to be performed under a continuing contract with The Pure Carbonic Company, a Division of Air Reduction Co., Inc.

HEARING: May 4, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 62.

No. MC 111624 (Sub No. 5), filed March 11, 1959. Applicant: SCHWERMANN CO., OF PA., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement* (Portland, Hydraulic, and Masonry) from the plant site of the Lone Star Cement Corporation at Washington, D.C., to points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting cement on return. Applicant is authorized to conduct operations in Maryland, Ohio, Pennsylvania, and West Virginia.

HEARING: April 13, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 112020 (Sub No. 56), (Amendment) filed November 4, 1958, published issue March 4, 1959. Applicant: COMMERCIAL OIL TRANSPORT, a Texas corporation, 1030 Stayton Street, Fort Worth, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from the site of the Buckeye-Celulose Corporation Mills and the site of the Ralston Purina Mills (formerly Buckeye-Cellulose Corporation Mills), at Memphis, Tenn., to the plant site of Procter and Gamble at Dallas, Tex. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Oklahoma, Kansas, Nebraska, Colorado, Mississippi, Illinois, Indiana, Iowa, Michigan, Ohio, Wisconsin, New York, South Dakota, Pennsylvania, New Mexico, and Arizona.

NOTE: Applicant states that the above requested authority will be restricted against tacking to any other authority held by applicant.

HEARING: Remains as assigned April 17, 1959, at the Baker Hotel, Dallas, Tex., before Joint Board No. 34, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 112442 (Sub No. 10), filed November 19, 1958. Applicant: H. L. MANESS, doing business as MANESS TRUCK LINE, 223 Wisconsin, Neodesha, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kan. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dehydrated alfalfa meal products and pellets*, between Brunswick, Mo., on the

one hand, and, on the other, Neodesha, Lawrence, Topeka, Garden City, and Belle Plaine, Kans.; (2) *dehydrated alfalfa meal products and pellets*, between Brunswick, Mo., Neodesha, Lawrence, Topeka, Garden City, and Belle Plaine, Kans., on the one hand, and, on the other, points in Illinois and Indiana; (3) *steel in sheets and steel in bar forms*, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, and those in the St. Louis, Mo., Commercial Zone, as defined by the Commission, to Neodesha, Kans. Applicant is authorized to conduct operations in Texas, Kansas, Missouri, and Louisiana.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 112442 (Sub No. 9).

HEARING: May 11, 1959, at the Hotel Kansan, Topeka, Kans., before Examiner Harold W. Angle.

No. MC 112497 (Sub No. 136), filed February 18, 1959. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Goodhope, La., to the Naval Auxiliary Air Station, Whiting Field, near Milton, Fla. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, and Texas.

HEARING: April 29, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 112497 (Sub No. 139), filed February 27, 1959. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulp mill liquid, crude tall oil, and black liquor skimmings*, in bulk, in tank vehicles, from Orange and Herty, Tex., to Bay Minette, Ala., and (2) *pulp mill liquid*, in bulk, in tank vehicles, from Pasadena, Tex., to Bay Minette, Ala. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia.

HEARING: April 29, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 112593 (Sub No. 12), filed January 26, 1959. Applicant: SIDNEY W. JOHNSON, doing business as SOUTHWESTERN FILM SERVICE, P.O. Box 97, Taos, N. Mex. Applicant's attorney: Marion F. Jones, 526 Denham Building,

Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *IRREGULAR: Newspapers*, from Denver, Colo., to points in New Mexico; and *REGULAR AND IRREGULAR: Periodicals, magazines, books, and express packages*, between points in territory authorized applicant in Certificates Nos. MC 112593 and Subs 2, 9, and 11, issued August 16, 1951, July 8, 1953, January 27, 1958, and September 19, 1958, respectively. Applicant is authorized to conduct operations in Colorado, New Mexico, and Texas.

NOTE: Applicant states that express packages carry a 25 percent higher rate than scheduled common carriers.

HEARING: May 28, 1959, at the Hilton Hotel, Albuquerque, N. Mex., before Joint Board No. 89, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 112617 (Sub No. 50), filed February 16, 1959. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Rudy Yessin, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, except milk and petroleum products, but including petroleum chemicals, in bulk, in trailer vehicles, and *dry commodities*, in bulk, between points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: June 18, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy, for the purpose of receiving applicant's evidence.

No. MC 112668 (Sub No. 19), (Republication) filed October 15, 1958. Applicant: HARVEY R. SHIPLEY & SONS, INC., Finksburg, Md. Applicant's representative: Donald E. Freeman, Uniontown Road, Box 24, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed and ground stone*, in bulk, in dump vehicles, from Marriottsville, Md., to points in Delaware, New Jersey, Virginia, District of Columbia, those in Chemung, Tioga, Broome, Delaware, Ulster, Sullivan, Dutchess, Orange, Winchester, Rockland, and Nassau Counties, N.Y., and New York, N.Y., and points in West Virginia east of U.S. Highway 19 beginning at the West Virginia-Pennsylvania State line

near Mount Morris, Pa., and running south through Clarksburg and Beckley to a point on the West Virginia border near Bluefield, W. Va. Applicant is authorized to conduct operations in New York, Maryland, Pennsylvania, Virginia, New Jersey, District of Columbia, West Virginia, Delaware, and Florida.

HEARING: April 28, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 113514 (Sub No. 46), filed December 8, 1958. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas, Tex. Applicant's attorney: W.D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, in tank and hopper-type vehicles, from Baton Rouge and Lake Charles, La., to points in Texas. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Texas, and Utah.

NOTE: Applicant is under common control with Chemical Express (Permit No. MC 115135 (Sub No. 1), dated January 28, 1957). Section 210 (dual authority) may be involved.

HEARING: April 29, 1959, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 113558 (Sub No. 6), filed February 16, 1959. Applicant: BELYEA TRUCK CO., a corporation, 6800 South Alameda Street, Los Angeles 1, Calif. Applicant's attorney: Wymen C. Knapp, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel reinforcing bars*, having a minimum length of forty (40) feet, from the Port of Entry on the boundary between the United States and Mexico at Calexico, Calif., to points in Arizona, and *damaged and/or rejected iron and steel reinforcing bars*, on return. Applicant is authorized to conduct operations in New Mexico, Nevada, California, and Arizona.

HEARING: May 7, 1959, at the Federal Building, Los Angeles, Calif., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 113779 (Sub No. 84), filed January 5, 1959. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 Laporte Expressway, P.O. Box 12385, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mercaptans* (gas ordents), from Borger, Tex., to points in California, Colorado, Georgia, Illinois, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and West Virginia. Applicant is authorized to conduct operations in Alabama, Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Missouri, Nebraska,

Nevada, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: May 1, 1959, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Richard H. Roberts.

No. MC 113908 (Sub No. 47), filed January 6, 1959. Applicant: ERICKSON TRANSPORT CORPORATION, MPO Box 706, Springfield, Mo. Applicant's attorney: Turner White, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid wax*, in bulk, in tank vehicles, from points in Jefferson County, Tex., to Denver, Colo., Cheyenne, Wyo., Albuquerque, N. Mex., and Phoenix, Ariz. Applicant is authorized to conduct operations in Illinois, Indiana, Ohio, Kentucky, South Dakota, Iowa, Missouri, Kansas, Minnesota, Nebraska, Texas, Florida, Michigan, and Wisconsin.

HEARING: May 1, 1959, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Richard H. Roberts.

No. MC 114533 (Sub No. 8), filed February 17, 1959. Applicant: BANKERS DISPATCH CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Microfilm, commercial papers, documents and written instruments* (except coins, currency, and negotiable securities), as are used in the conduct and operation of banks and banking institutions, (1) from Kansas City and St. Joseph, Mo., to points in Otoe, Cass, Sarpy, Douglas, Lancaster, Johnson, and Nemaha Counties, Nebr., and to points in Kansas. (2) From Omaha, Nebr., to points in Woodbury, Monona, Harrison, Pottawattamie, Shelby, Audubon, Guthrie, Adair, Dallas, Madison Warren, and Polk Counties, Iowa. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Wisconsin.

HEARING: May 15, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner Harold W. Angle.

No. MC 114897 (Sub No. 12), filed February 5, 1959. Applicant: WHITEFIELD TANK LINES, INC., 240 West Amador Street, Las Cruces, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from El Paso, Texas, to points in New Mexico and Colorado. Applicant is authorized to conduct operations in Arizona, Colorado, Nevada, New Mexico, Texas, and Utah.

HEARING: May 29, 1959, at the Hilton Hotel, Albuquerque, N. Mex., before Joint Board No. 89, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 115716 (Sub No. 5), filed January 30, 1959. Applicant: DENVER-LIMON-BURLINGTON TRANSFER COMPANY, a corporation, 1420 18th Street, Denver, Colo. Applicant's attorney: James W. Wallace, Scott City,

Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Kansas as follows: (1) From the Kansas-Colorado State line near Kanorado, Kans., over U.S. Highway 24 to junction U.S. Highway 83, thence over U.S. Highway 33 to junction U.S. Highway 50 near Garden City, Kans., thence over U.S. Highway 50 to junction Kansas Highway 27, thence over Kansas Highway 27 to junction U.S. Highway 24 at Goodland, Kans., thence over U.S. Highway 24 to Kanorado, and return over the same route, serving all intermediate points; (2) From junction Kansas Highway 27 and U.S. Highway 40 near Sharon Springs, Kans., over U.S. Highway 40 to the Kansas-Colorado State line, serving all intermediate points; (3) From junction Kansas Highways 27 and 96 near Tribune, Kans., over Kansas Highway 96 to the Kansas-Colorado State line, serving all intermediate points; and (4) From junction U.S. Highway 50 and Kansas Highway 27 near Syracuse, Kans., over U.S. Highway 50 to the Kansas-Colorado State line, serving all intermediate points. Applicant is authorized to conduct operations in Colorado.

NOTE: Applicant states that the above-specified commodities will be transported on call and demand and that the transportation of General Freight shall not include livestock, hay or explosives. Applicant conducts operations under the Second Proviso of section 206(a) (1) of the Interstate Commerce Act.

HEARING: May 13, 1959, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 115796 (Sub No. 1), filed November 25, 1958. Applicant: W. C. HARTZELL, Belle Fourche, S. Dak. Applicant's attorney: Lem Overpeck, Belle Fourche, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock and poultry feeds*, from Sioux City, Iowa, to points in Perkins County, S. Dak., and livestock on return.

HEARING: May 22, 1959, at the Alex Johnson Hotel, Rapid City, S. Dak., 1:00 o'clock p.m., United States standard time, or (1:00 o'clock p.m. daylight saving time, if that time is observed), before Joint Board No. 185.

No. MC 116077 (Sub No. 58), filed December 12, 1958. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. Applicant's attorneys: Charles D. Mathews and Thomas E. James, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, (1) from Beaumont and Chaison, Tex., to Lake Charles, West Lake, and Cameron, La., and (2) from West Lake Charles, La., to Beaumont and Chaison, Tex. Applicant is authorized to conduct operations

in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Washington, West Virginia, and Wisconsin.

HEARING: April 30, 1959, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 116317 (Sub No. 4), filed December 15, 1958. Applicant: FEASTER TRUCKING SERVICE, INC., Claflin, Kans. Applicant's attorney: John E. Jandera, 441 Harrison Street, Topeka, Kans. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile, including ceramic and masonry products*, (1) Between Tulsa, Oklahoma City and Clinton, Okla., on the one hand, and, on the other, all points in Missouri, Nebraska, Iowa and Kansas, and that portion of Texas lying on and north of Texas Highway 79 beginning at the Texas-Oklahoma State line, thence west on Texas Highway 79 to Wichita Falls, Tex., thence west on U.S. Highway 82 to Lubbock, Tex., thence west on U.S. Highway 62 to the Texas-New Mexico State line, and all points in that portion of New Mexico lying on and east of U.S. Highway 85 beginning at the New Mexico-Colorado State line, thence south along U.S. Highway 85 to Santa Fe, N. Mex., thence in a northwesterly direction along U.S. Highway 84 to its junction with New Mexico Highway 96, thence south along New Mexico Highway 96 to its junction with New Mexico Highway 44, thence on and east of New Mexico Highway 44 to its junction with U.S. Highway 85 at or near Bernalillo, N. Mex., thence on and east of U.S. Highway 85 to the New Mexico-Mexico International Boundary line; and all points in that portion of Wyoming lying on and east of Wyoming Highway 287 beginning at the Wyoming-Colorado State line, thence westerly along U.S. Highway 287 to Muddy Gap, Wyo., thence in a northeasterly direction along Wyoming Highway 220 to Casper, Wyo., thence easterly along U.S. Highway 20 to the Wyoming-Nebraska State line; and to all points in that portion of Colorado lying on and east of U.S. Highway 287 beginning at the Wyoming-Colorado State line, thence south along U.S. Highway 287 to Denver, Colo., thence south along U.S. Highway 85 to the Colorado-New Mexico State line. (2) Between Wichita and Buffalo, Kans., on the one hand, and, on the other, all points in Missouri, Nebraska, Iowa and Oklahoma, and that portion of Texas lying on and north of Texas Highway 79 beginning at the Texas-Oklahoma State line, thence west along Texas Highway 79 to Wichita Falls, Tex., thence west along U.S. Highway 82 to Lubbock, Tex., thence west along U.S. Highway 62 to the Texas-New Mexico State line, and all points in that portion of New Mexico lying on and east of U.S. Highway 85 beginning at the New

Mexico-Colorado State line, thence south along U.S. Highway 85 to Santa Fe, N. Mex., thence in a northwesterly direction along U.S. Highway 84 to its junction with New Mexico Highway 96, thence south along New Mexico Highway 96 to its junction with New Mexico Highway 44, thence on and east of New Mexico Highway 44 to its junction with U.S. Highway 85 at or near Bernalillo, N. Mex., thence on and east of U.S. Highway 85 to the New Mexico-Mexico International Boundary line; and all points in that portion of Wyoming lying on and east of Wyoming Highway 287 beginning at the Wyoming-Colorado State line, thence westerly along U.S. Highway 287 to Muddy Gap, Wyo., thence in a northeasterly direction along Wyoming Highway 220 to Casper, Wyo., thence easterly along U.S. Highway 20 to the Wyoming-Nebraska State line; and to all points in that portion of Colorado lying on and east of U.S. Highway 287 beginning at the Colorado-Wyoming State line, thence south along U.S. Highway 287 to Denver, Colo., thence south along U.S. Highway 85 to the Colorado-New Mexico State line. Applicant is authorized to conduct contract carrier operations in Colorado, Kansas, Missouri, Nebraska, Oklahoma and Texas. (3) From Great Bend and Kanopolis, Kans., to all points lying on and south of U.S. Highway 66 beginning at the Oklahoma-Texas State line, thence along U.S. Highway 66 to Tulsa, Okla., thence easterly along Oklahoma Highway 33 to the Oklahoma-Arkansas State line; and all points in that portion of Missouri lying on and west of a line beginning at the Missouri-Arkansas State line near Seligman, Mo., and extending along Missouri Highway 37 to junction U.S. Highway 60 at or near Monett, Mo., thence along U.S. Highway 60 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction U.S. Highway 69 at or near Bethany, Mo., and thence along U.S. Highway 69 to the Missouri-Iowa State line; and all points in that part of Colorado on and east of U.S. Highway 287, beginning at the Wyoming-Colorado State line, thence south along U.S. Highway 287 to Denver, Colo. (Applicant indicates it presently has authority on and east of U.S. Highway 85); and all points located within Texas lying on and north of Texas Highway 79 beginning at the Texas-Oklahoma State line, thence west along Texas Highway 79 to Wichita Falls, Tex., thence west along U.S. Highway 82 to Lubbock, Tex., thence west along Texas Highway 62 to the Texas-New Mexico State line; and all points located in that portion of New Mexico lying on and east of U.S. Highway 85 beginning at the New Mexico-Colorado State line, thence south along U.S. Highway 85 to Santa Fe, N. Mex., thence in a northwesterly direction along U.S. Highway 84 to its junction with New Mexico Highway 96, thence south along New Mexico Highway 96 to its junction with New Mexico Highway 44, thence on and east of New Mexico Highway 44 to its junction with U.S. Highway 85 at or near Bernalillo, N. Mex., thence on and east of U.S. Highway 85 to the New Mexico-Mexico International Boundary line; and all points in

that portion of Wyoming lying on and east of Wyoming Highway 287 beginning at the Wyoming-Colorado State line, thence westerly along U.S. Highway 287 to Muddy Gap, Wyo., thence in a northeasterly direction along Wyoming Highway 220 to Casper, Wyo., thence easterly along U.S. Highway 20 to the Wyoming-Nebraska State line; and all points in Iowa. Applicant has a pending application for a common carrier authority in Docket No. MC 117651 (Sub 2). Dual operations under section 210 may be involved.

HEARING: May 4, 1959, at the Hotel Kansan, Topeka, Kans., before Examiner Harold W. Angle.

No. MC 116356 (Sub No. 3), filed December 8, 1958. Applicant: E. D. PEARCE, Rt. 1, Box 210, Lovington, N. Mex. Applicant's attorney: Howell R. Spear, 109 South Main, P.O. Box 203, Lovington, N. Mex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Migrant workers and their baggage*, between points in El Paso County, Tex., on the one hand, and, on the other, points in Socorro, Hidalgo, Chaves, and Eddy Counties, N. Mex.

HEARING: May 21, 1959, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 33, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 116691 (Sub No. 1), filed December 8, 1958. Applicant: NICHOLAS GENTILE, doing business as GENTILE DISTRIBUTORS, Fifth Avenue and Railroad Street, Hurley, Wis. Applicant's attorney: Alex J. Raineri, Hurley, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty shop trailers and shop trailers loaded with equipment*, between points in Michigan, Minnesota, and Wisconsin.

NOTE: Applicant explains the proposed service as follows: The contractor is located at Ironwood, Mich., and Manitowish Waters, Wis. It is an industrial piping, plumbing and heating corporation. They contract for work anywhere in the U.S.A. and require the hauling of their trailers to wherever they may be working. The route would be from the home location to each job. The return trip is without trailers, when job is completed tractor returns to pick up trailers or new haul. The proposed operation requires the return of the tractor without trailer on each occasion.

HEARING: May 13, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 282.

No. MC 117344 (Sub No. 13), filed February 2, 1959. Applicant: THE MAXWELL CO., 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, not including cement, dry, portland, hydraulic or masonry, and *empty containers or other such incidental facilities* (not specified), between points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, on the one

hand, and, on the other, points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: Dual operations may be involved.

HEARING: May 18, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy, for the purpose of receiving applicant's evidence.

No. MC 117344 (Sub No. 14), filed February 3, 1959. Applicant: THE MAXWELL CO., 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, except milk and petroleum products, but including petroleum chemicals, in bulk, in trailer vehicles, and *empty containers or other such incidental facilities* (not specified) between points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: Dual operations may be involved.

HEARING: May 18, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy, for the purpose of receiving applicant's evidence.

No. MC 117344 (Sub No. 15), filed February 9, 1959. Applicant: THE MAXWELL CO., 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum Sulphate*, in bulk, from points in Butler County, Ohio, to points in Fayette County, Ky., and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee,

see, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 50404 (Sub No. 55).

HEARING: May 7, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 37.

No. MC 117475 (Sub No. 1), filed November 17, 1958. Applicant: INTERSTATE TRANSPORT, INC., P.O. Box 317, Sioux Falls, S. Dak. Applicant's attorney: Donald A. Morken, Eleyen Hundred First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as defined by the Commission, from Watertown, S. Dak., and points within 10 miles thereof to points in North Dakota. Applicant is authorized to conduct operations in Nebraska, Minnesota, South Dakota, and Iowa.

HEARING: May 19, 1959, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 158.

No. MC 117765 (Sub No. 2), filed January 25, 1959. Applicant: HAHN TRUCK LINE, INC., 210 East Sixth Street (Mailing address: P.O. Box 852, Hutchinson, Kans.), South Hutchinson, Kans. Applicant's attorney: Rufus H. Lawson, P.O. Box 7342, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from points in Reno, Rice, Ellsworth, Barton, and Pawnee Counties, Kans., to points in Iowa, and Oklahoma, and return (except salt moving to Oklahoma will have no return). *Soy beans, soy bean hulls, meal, feed and oil cake*, from points in Iowa to points in Nebraska, Kansas, and Oklahoma and return.

HEARING: May 25, 1959, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner Harold W. Angle.

No. MC 117858 (Republication), filed November 19, 1958, published on page 9579 of the FEDERAL REGISTER dated December 10, 1958. Applicant: MELTON TRANSPORT COMPANY OF "NEBRASKA", Nelson, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. By application received November 19, 1958, applicant seeks authority as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the site of the Great Lakes Pipe Terminal truck loading rack in or near Carter Lake, Nebr., to points in Nebraska. Under date of November 26, 1958, applicant, by its attorney, filed a petition to dismiss the application on the grounds that the transportation involved is intrastate in character as distinguished from interstate commerce, and is not subject to the jurisdiction of the Interstate Commerce Commission.

HEARING: May 18, 1959, at the Rome Hotel, Omaha, Nebr., before Joint Board No. 93, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 117859, filed November 19, 1958. Applicant: R. B. "DICK" WILSON OF NEBRASKA, INC., Chester, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the site of the Great Lakes Pipe Line Terminal truck loading rack in or near Carter Lake, Nebr., to points in Nebraska.

NOTE: Applicant filed a petition to dismiss said application on the grounds that the matter was entirely decided in Ex Parte 48 and that the service proposed will be intrastate commerce as distinguished from interstate and that the Commission has no jurisdiction over carrier's operations.

HEARING: May 18, 1959, at the Rome Hotel, Omaha, Nebr., before Joint Board No. 93, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 118001, filed December 5, 1958. Applicant: PAUL A. GIBBONS, 2425 East Beverly, Tucson, Ariz. Applicant's attorney: A. Michael Bernstein, 702 Arizona Savings Building, Phoenix, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from the site of the Arizona Silica Sand Company, at or near Houck, Ariz., to points in New Mexico and points in Montezuma County, Colo., and San Juan County, Utah.

NOTE: Applicant states he has worked for a brother, G. L. Gibbons, an Arizona common carrier, who has registered his authority under the Second Proviso of section 206(a) (1), assigned Docket No. MC 99699.

HEARING: May 22, 1959, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Robert A. Joyner.

No. MC 118015 (Sub No. 2), filed February 24, 1959. Applicant: RAYMOND V. McDONOUGH, doing business as LUMBER TRANSPORT, 524 South Fourth Street, Delavan, Wis. Applicant's attorney: Ernst John Watts, Delavan, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and building materials* as defined in Appendix VI in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and related articles in connection with retail sales; from the site of Wickes Lumber Co., yard 2 miles southwest of Elkhorn, in the Town of Delavan, Walworth County, Wis., to points in Lake, McHenry, Boone, Winnebago, Stephenson, Jo Daviess, Carroll, Whiteside, Lee, Ogle, DeKalb, Kane, Kendall, Cook, Du Page, and Will Counties, Ill.

HEARING: May 15, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Joint Board No. 13.

No. MC 118431, filed December 9, 1958. Applicant: EARL M. YOUNG, 2858 Washington Street, Lincoln, Nebr. Applicant's attorney: J. Max Harding, 605 South 12th Street, Lincoln 8, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., to points in Nebraska; and

exempt commodities, such as eggs and grain, on return.

HEARING: May 21, 1959, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner Harold W. Angle.

No. MC 118535, filed January 2, 1959. Applicant: HOMER J. HENKE, doing business as HENKE TRUCK LINE, 17th and Barada, Falls City, Nebr. Applicant's representative: C. A. Ross, 1004-1005 Trust Building, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials, feed grade urea compounds and technical grade urea*, in bulk and in bags, from points in Oklahoma to points in Kansas and Nebraska, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return.

HEARING: May 22, 1959, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 307, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 118553 (Sub No. 1), filed January 15, 1959. Applicant: SERVICE TRANSFER, INC., 3201 North Mead, Wichita, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packing house products*, as defined by the Commission, in refrigerated equipment, limited to service for the distribution of rail and/or motor vehicle pool car traffic, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between Wichita, Kans., on the one hand, and, on the other, points in Kansas.

HEARING: May 12, 1959, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 118568, filed January 21, 1959. Applicant: DON SCHAEFER TRUCKING, INC., North State Street, Chilton, Wis. Applicant's attorney: Edward Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from Chicago and Chicago Heights, Ill., to points in Calumet County, Wis.

HEARING: May 14, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 17.

No. MC 118573, filed January 21, 1959. Applicant: CLINTON A. JOHNSON, SIDNEY W. JOHNSON, SAM BEIMER, AND GEORGE BEIMER, doing business as JOHNSON BROS. TRUCKING CO., P.O. Box 97, Taos, N. Mex. Applicant's attorney: O. Russell Jones, 54½ San Francisco Street, Southwest Corner Plaza, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perlite*, in bulk and in containers, from points in Taos County, N. Mex., to Antonito, Colo., and points

within 3 miles thereof, and empty containers or other such incidental facilities (not specified) used in transporting perlite on return.

HEARING: May 20, 1959, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 125, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 118589, filed January 26, 1959. Applicant: HARVEY WULFF, R.F.D., Salem, S. Dak. Applicant's attorney: T. M. Bailey, Jr., 613 Security Bank Building, Sioux Falls, S. Dak. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal feed and/or soy bean oil meal*, in sacks or other containers, or in bulk, from Mankato, Minn., to points in McCook County, S. Dak.; *linseed meal*, in sacks or other containers, or in bulk, from points in the Minneapolis-St. Paul, Minn., Commercial Zone, to points in McCook County, S. Dak.; and empty containers or other such incidental facilities used in transporting the above-described commodities, and exempt commodities, on return.

HEARING: May 19, 1959, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 26.

No. MC 118719, filed February 24, 1959. Applicant: CARL E. MALEPORT, doing business as ACE TOWING COMPANY, 312 South Broadway, Green Bay, Wis. Applicant's attorney: Richard A. Boltz, Suite 5, Nicolet Building, 225 North Adams Street, Green Bay, Wis. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Tractors* used in trucking (both operating tractors and disabled tractors), between Green Bay, Wis., and points in the Upper Peninsula of Michigan.

NOTE: Applicant describes the proposed operations as follows: leave Green Bay, hauling a tractor in operating condition (or with no tractor), proceed to location of a stalled truck in Upper Peninsula of Michigan, exchange the operating tractor, if one is hauled, for a disabled tractor, and return to Green Bay.

HEARING: May 14, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 95.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 157), filed January 12, 1959. Applicant: THE GREYHOUND CORPORATION, 5600 Jarvis Avenue, Chicago 48, Ill. Applicant's attorney: Raymond H. Warns, same address as applicant. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail and newspapers*, in the same vehicle with passengers, between Cordele, Ga., and Havana, Fla., from Cordele over Georgia Highway 257 to the junction of U.S. Highway 82, thence over U.S. Highway 82 to Albany, Ga., thence over Georgia Highway 91 to Newton, Ga., thence over Georgia Highway 37 to Camilla, thence over Georgia Highway 112 to the junction of U.S. Highway 84, thence over U.S. Highway 84 to Cairo, Ga., thence over Georgia Highway 111

to the junction of U.S. Highway 27, thence over U.S. Highway 27 to Havana, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 27, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 64.

No. MC 37904 (Sub No. 3), filed January 19, 1959. Applicant: VALLEY TRANSIT LINES, INC., P.O. Box 730, Broadway and English, Wichita, Kans. Applicant's attorney: C. Zimmerman, P.O. Box 730, 300 South Broadway, Wichita, Kans. Authority sought to operate as a common carrier, by motor vehicle, over a regular route, transporting: *Passengers and their baggage, light express and newspapers*, in the same vehicle with passengers, (1) between Costilla, N. Mex., and junction unnumbered highway and Colorado Highway 159, from Costilla over unnumbered highway via Corner, N. Mex., to junction New Mexico Highway 3, thence over New Mexico Highway 3 to the New Mexico-Colorado State line, thence over Colorado Highway 159, a distance of approximately one mile, to junction unnumbered highway, and return over the same route, serving all intermediate points. (2) Change of Operation: Applicant requests permission to change its operation by suspension of service over that portion of its authorized route, as follows: From Garcia Corner, N. Mex., over unnumbered road to the New Mexico-Colorado State line, thence continuing over unnumbered road via Garcia, Colo., to junction Colorado Highway 159. Applicant is authorized to conduct operations in Colorado and New Mexico.

NOTE: Common Control may be involved.

HEARING: May 27, 1959, at the Hilton Hotel, Albuquerque, N. Mex., before Joint Board No. 125, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 44770 (Sub No. 8), filed January 21, 1959. Applicant: ZEPHYR LINES, INCORPORATED, 501 North Seventh Street, Minneapolis 5, Minn. Authority sought to operate as a common carrier, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *newspapers and package express*, in the same vehicle with passengers, between Ashland, Wis., and Ironwood, Mich., over U.S. Highway 2, serving the intermediate points of Odanah, Alder, Birch, Cedar, Saxon, Kimball, and Hurley, Wis. Applicant is authorized to conduct operations in Wisconsin, Minnesota, and South Dakota.

HEARING: May 14, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 95.

No. MC 75289 (Sub No. 19), filed February 27, 1959. Applicant: D. C. TRANSIT SYSTEM, INC., 3600 M Street NW., Washington 7, D.C. Applicant's attorneys: Harvey M. Spear and John R. Sims, Jr., Same address as applicant. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with

passengers, between Washington, D.C., and the Andrews Air Force Base, (1) from Washington over city streets to the Maryland-District of Columbia Boundary line at Suitland Parkway, thence over Suitland Parkway federal roads to junction Maryland Highway 714, thence over Maryland Highway 714 to the Andrews Air Force Base; and (2) from the Maryland-District of Columbia Boundary line at Bowen Road over Maryland Highway 4 to junction Maryland Highway 714, thence over Maryland Highway 714 to the Andrews Air Force Base, and return over the above routes, serving all intermediate points. Applicant is authorized to conduct operations in Maryland, Virginia, and the District of Columbia.

NOTE: Applicant indicates it will operate over Route (2) above as an alternate route to Route (1) above.

HEARING: April 24, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 120.

No. MC 109780 (Sub No. 54), filed February 19, 1959. Applicant: TRANS-CONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. Applicant's attorney: Warren A. Goff, 315 Continental Avenue, Dallas 7, Tex. Authority sought to operate as a common carrier, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, between junction unnumbered highway (old U.S. Highway 66) and new U.S. Highway 66 at a point approximately 2.5 miles south of Victorville, Calif., and Barstow, Calif., over new U.S. Highway 66, serving all intermediate points and the off-route point of Victorville, Calif. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Illinois, Indiana, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Utah.

NOTE: Applicant states the above service will be used in conjunction with Old U.S. Highway 66 now an unnumbered highway, which is the present route, proposing to continue its operations over the old highway as authorized in its Certificates serving all intermediate points thereon.

HEARING: May 5, 1959, at the Federal Building, Los Angeles, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 118531, filed January 5, 1959. Applicant: FRIENDSHIP TRAILS, INC., Eighth and Roosevelt, Coffeyville, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: *Passengers and their baggage*, and *express*, in the same vehicle with passengers, between Topeka, Kans., and Nowata, Okla., from Topeka over U.S. Highway 75 to Independence, Kans., thence over unnumbered county road (known as the 10th street road), to Coffeyville, Kans., thence over U.S. Highway 169 to Nowata, and return over the same route, serving all intermediate points.

HEARING: May 7, 1959, at the Hotel Kansan, Topeka, Kans., before Examiner Harold W. Angle.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12693, filed February 18, 1959. Applicant: SKI TOURS, INC., Wyatt Building, Room No. 736, Washington 5, D.C. Applicant's attorney: Seymour M. Chase, Wyatt Building, Washington 5, D.C. Authority sought to operate as a *Broker* (BMC 5) at Washington, D.C., in arranging for transportation in interstate or foreign commerce by motor vehicle, of: *Passengers and their baggage*, in special or chartered service, in round-trip all expense tours, beginning and ending at Washington, D.C., and extending to points in Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Vermont, Virginia, and West Virginia.

NOTE: Applicant states that Reginald I. Wistreich, an officer-director of Ski Tours, Inc., is the duly appointed Executor of the Estate of Joseph L. Ritter (deceased); that on December 12, 1956 the Commission issued a brokerage license to said Joseph L. Ritter, doing business as High Mountain Ski School and/or Astor Travel Bureau, No. MC 12481, for the conduct of a tour business at New York, N.Y.; and that Mr. Wistreich as Executor is now conducting the business pursuant to authorization from the Commission.

HEARING: April 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 261.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 35628 (Sub No. 223), filed March 4, 1959. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, Mich. Applicant's attorneys: Warner, Norcross & Judd and Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except Class A and B explosives, dangerous inflammables, household goods as defined by the Commission, and commodities in bulk, between Peoria, Ill., and Moline, Ill., over U.S. Highway 150, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Wisconsin, and the District of Columbia.

No. MC 42487 (Sub No. 394), filed March 13, 1959. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Xavier Street, Portland, Ore. Applicant's attorney: Donald A. Schafer, 1026 Public Service Building, Portland 4, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives,

household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Richmond, Calif., and junction U.S. Highway 101 and California Highway 17 near San Rafael, Calif., over the Richmond-San Rafael Toll Bridge (California Highway 17), serving no intermediate points, but serving junction California Highway 17 and U.S. Highway 101 for purposes of joinder with applicant's regular route authority under MC 42487 (Sub No. 366). **RESTRICTION:** The service to be authorized herein will be subject to the following conditions: (a) Service over the above described routes shall be restricted to traffic transported by carrier to or from Brookings, Ore., and points north of Brookings, Ore.; (b) Southbound service for lumber and plywood moving from points in Curry County, Ore., and from Bandon, Ore., shall be restricted to shipments not exceeding 20,000 pounds in weight; and (c) Northbound service for building materials and machinery moving to points in Curry County, Ore., shall be restricted to shipments not exceeding 20,000 pounds in weight. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Iowa, Michigan, Minnesota, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, Wisconsin, and Wyoming.

No. MC 65285 (Sub No. 9), filed March 11, 1959. Applicant: HILMER LINDBURG AND L. D. LINDBURG, doing business as LINDBURG TRUCK LINE, Mackay, Idaho. Applicant's attorney: Kenneth G. Bell, 203 McCarty Building, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore and ore concentrates*, in bulk or containers, in truckload shipments of 30,000 pounds or more, from points in Lemhi, Custer, Butte, Clark, and Blaine Counties, Idaho, to East Helena, Mont., and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return.

No. MC 66562 (Sub No. 1482) filed March 10, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Portland, Maine, and Rockland, Maine, from Portland over U.S. Highway 1 to junction U.S. Highway 95, thence over U.S. Highway 95 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction Maine Highway 90, thence over Maine Highway 90 to Warren, Maine, thence return over Maine Highway 90 to junction U.S. Highway 1, thence over U.S. Highway 1 to Rockland, and return over the same route, serving Yarmouth Junction (Yarmouth), Freeport, Brunswick, Bath, Wiscasset, New-castle, Damariscotta, Waldoboro, and Warren, Maine, as intermediate points.

Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that interchange with rail and air express service will be made at Portland, Maine.

No. MC 107128 (Sub No. 18), filed March 11, 1959. Applicant: FAST FREIGHT, INC., 2612 West Morris Street, Indianapolis, Ind. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *fertilizer*, from Sheboygan, Wis., to Chicago, Ill., and Indianapolis, Ind., and *empty pallets and empty containers or other such incidental facilities* (not specified) and *refused, rejected or damaged shipments* used in transporting fertilizer on return. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Act to determine whether applicant's status is that of a common or contract carrier in No. MC 107128 (Sub No. 10).

No. MC 109451 (Sub No. 96), filed March 12, 1959. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 2, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid*, in bulk, in tank trucks, from Jeffersonville, Ind., to Davenport, Iowa. Applicant is authorized to conduct operations in Ohio, Indiana, Kentucky, Tennessee, Michigan, Wisconsin, West Virginia, Missouri, Pennsylvania, Georgia, Alabama, Tennessee, Florida, Iowa, Mississippi, and Minnesota.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 109451 (Sub No. 82).

No. MC 114194 (Sub No. 21), filed March 9, 1959. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Building, paving and roofing materials*, from Wilmington, Ill., to points in Missouri, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Illinois, Missouri, Tennessee, Ohio, Indiana, Iowa, Michigan, Wisconsin, Minnesota, Pennsylvania, Kentucky, Arkansas, Louisiana, Oklahoma, Colorado, Kansas, Nebraska, and Texas.

PETITION

No. MC 113933 (PETITION FOR DECLARATORY ORDER), dated October 23, 1958. Petitioner: HUDSON TRANSPORTATION COMPANY, 720 Tonnele Avenue, Jersey City 7, N.J. Petitioner's attorney: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N.J. Hudson Transportation Company, petitioner, has been conducting operations in the trans-

portation of property from origin points in Pennsylvania to destination points in Pennsylvania, through New Jersey, in its Certificate No. MC 113933. Petitioner requests an order interpreting its Certificate; or, that the Commission enter a declaratory order finding: (1) that the certificate was not intended to, nor does it, limit the transportation to shipments moving between points in Pennsylvania, on the one hand, to points in other states, on the other; (2) that petitioner under its authority may conduct interstate operations between Pennsylvania points through the New Jersey gateway to the extent specified in its certificate and may interchange or interline shipments moving from or to points in Pennsylvania beyond its authorized areas of service with connecting interstate carriers so long as such traffic moves through New Jersey; and that the Commission issue such order or orders as may be meted and proper in the premises.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 6278 (CONSOLIDATED FREIGHTWAYS, INC.—CONTROL AND MERGER—LIBERTY MOTOR FREIGHT LINES, INC.), published in the June 6, 1956, issue of the FEDERAL REGISTER on page 3892. Hearing in this proceeding has been held October 8, 1957. A report and recommended order of the examiner was served March 28, 1958, exceptions and replies filed, and the proceeding was orally argued by the Commission on October 15, 1958. Application filed March 12, 1959, for temporary authority under section 210a(b).

No. MC-F 6988 (J. K. WYATT—PURCHASE—ARMSTRONG FREIGHT LINES, INC.), published in the September 4, 1958, issue of the FEDERAL REGISTER on page 6820. Petition filed March 11, 1959, to substitute ARMSTRONG FREIGHT LINES, INC. (HERBERT SMALL, TRUSTEE) as vendor in lieu of ARMSTRONG FREIGHT LINES, INC.

No. MC-F 7081 (MUSHROOM TRANSPORTATION CO., INC.—PURCHASE—KARL AND ROY NEWELL), published in the January 21, 1959, issue of the FEDERAL REGISTER on page 495. Applications under sections 5 and 210a(b) amended, by petition filed March 11, 1959, as follows: (1) for the joinder as party transferee by SMITH & HOWELL FILM SERVICE, INC., 210 Sixth North Street, Syracuse, N.Y., for the purpose of purchasing and temporarily operating the intrastate operating rights granted vendors (KARL NEWELL AND ROY NEWELL, doing business as NEWELL TRUCKING COMPANY), by the Public Service Commission of New York, and (2) for modification of the order of February 20, 1959, under section 210a(b)

herein, authorizing MUSHROOM TRANSPORTATION COMPANY, INC., temporarily to operate the properties of the above-named vendors so as to permit SMITH & HOWELL FILM SERVICE, INC., temporarily to lease the foregoing intrastate rights. Pursuant to authority granted under section 210a(b) by order of October 14, 1958, in No. MC-F 7002, (published in the September 17, 1958, issue of the FEDERAL REGISTER on page 7203), MUSHROOM TRANSPORTATION COMPANY, INC., temporarily controls SMITH & HOWELL FILM SERVICE, INC., through management.

No. MC-F 7113 (BELYEA TRUCK CO.—PURCHASE (PORTION)—FERGUSON TRUCKING CO., INC.), published in the March 4, 1959, issue of the FEDERAL REGISTER on page 1624. Amendment filed March 17, 1959, to show joinder of HIGHLAND CORPORATION, 3926 Wilshire Boulevard, Los Angeles 5, Calif., as the party controlling MACCO CORPORATION, which in turn controls vendee.

No. MC-F 7126. Authority sought for purchase by WATKINS MOTOR LINES, INC., Cassidy Road, P.O. Box 785, Thomasville, Ga., of the claimed operating rights (covered by applications seeking interim operating authority under section 7(c) of the Transportation Act of 1958) of LAVELL ANDERSON, 3058 Belmont Street, Mobile, Ala., CARL J. BAILLIO, 4001 Toulouse Street, New Orleans, La., and JOSEPH W. POTTER, 2525 Farnell Drive, Mobile, Ala., and for acquisition by BILL WATKINS, also of Thomasville, of control of such rights through the purchase. Applicants' representatives: Joseph H. Blackshear, Attorney-at-Law, 205 Jackson Building, Gainesville, Ga., and Bill Watkins, Cassidy Road, Thomasville, Ga. Claimed operating rights sought to be transferred: (LAVELL ANDERSON) *Bananas*, as a common carrier over irregular routes, from points in Alabama, Florida, and Louisiana to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin; (CARL J. BAILLIO) *Bananas*, as a common carrier over irregular routes, from points in Louisiana to points in Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, and West Virginia; (JOSEPH W. POTTER) *Bananas*, as a common carrier over irregular routes, from points in Alabama, Florida and Louisiana to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, and Wisconsin; *frozen fruits, frozen berries, and frozen vegetables*, from points in Louisiana and Mississippi to points in New York. WATKINS MOTOR LINES, INC., is authorized to operate as a common carrier in Georgia, Missouri, Delaware,

Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia, Wisconsin, Ohio, Tennessee, Florida, Alabama, Connecticut, Iowa, Massachusetts, Missouri, Rhode Island, Louisiana, South Carolina, Arkansas, Kansas, Mississippi, Nebraska, Oklahoma, Texas, South Dakota, Arizona, California, New Mexico, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7127. Authority sought for control by ROBERT S. JAMESON, JR., La Plata, Md., of HOPWOOD TRANSPORTATION COMPANY, INC., 1530 Beason Street, Baltimore 30, Md. Applicant's attorney: Robert J. Callanan, 623 Munsey Building, Baltimore 2, Md. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a common carrier over a regular route between Baltimore, Md., and Washington, D.C., serving all intermediate and certain off-route points. ROBERT S. JAMESON, JR., holds no authority from this Commission; however, he is affiliated with THE EASTERN TRANSPORTATION CORPORATION, doing business as BAILEY'S EXPRESS, Pier 4, Pratt Street, Baltimore, Md., which operates as a common carrier under the Second proviso of section 206(a) (1) in the State of Maryland. Application has not been filed for temporary authority under section 210a(b).

NOTE: An application will be filed at a later date as a matter directly related.

No. MC-F 7128. Authority sought for purchase by BAY MOTOR EXPRESS, INC., 150th Street and Exterior Street, New York 51, N.Y., from NEW ENGLAND TRANSPORTATION COMPANY, 402 Congress Street, Boston, Mass., of those operating rights in Certificate No. MC 58937 Sub 9, record holder thereof being H. E. SWEZEY & SON MOTOR TRANSPORTATION, INC., and for acquisition of control of said rights by ARTHUR L. J. SMIDINGER and JOHN B. GUIDER, both of New York. Applicants' attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a common carrier over irregular routes, between points in Nassau and Suffolk Counties, N.Y., restricted against the transportation of shipments moving in express service. In No. MC-F 7112, published in the March 4, 1959, issue of the FEDERAL REGISTER on page 1624, NEW ENGLAND TRANSPORTATION COMPANY seeks authority under sections 5 and 210a(b) to purchase and temporarily operate all the operating rights of H. E. SWEZEY & SON MOTOR TRANSPORTATION, INC. (RALPH J. PALMER, ASSIGNEE), including those in No. MC 58937 Sub 9. Application also has been filed herein for temporary authority under section 210a(b) in respect of No. MC 58937 Sub 9. Vendee is authorized to operate as a common carrier in New York and New Jersey.

No. MC-F 7129. Authority sought for control by NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo., of BROOKS TRUCK LINES, INC., 112 North Salt Pond, Marshall, Mo., and for acquisition by LAURENCE COHEN also of Denver, of control of BROOKS TRUCK LINES, INC., through the acquisition by NAVAJO FREIGHT LINES, INC. Applicant's attorneys: Lee Reader, 1012 Baltimore Street, Kansas City, Mo., and O. Russell Jones, P.O. Box 1437, Santa Fe, N. Mex. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Kansas City, Mo., and Holton, Kans., between Kansas City, Mo., and St. Louis, Mo., between Carrollton, Mo., and Kansas City, Mo., between Carrollton, Mo., and St. Louis, Mo., between Miami, Mo., and Kansas City and St. Louis, Mo., and between Windsor and Kansas City, Carrollton, Miami, and St. Louis, Mo., serving certain intermediate and off-route points. NAVAJO FREIGHT LINES, INC., is authorized to operate as a *common carrier* in New Mexico, California, Arizona, Texas, Colorado, Illinois, Missouri, Nebraska, Nevada, Kansas, Oklahoma, Indiana and Iowa. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7130. Authority sought for purchase by ALPHA LINES, INC., 280 East Naghten Street, Columbus 15, Ohio, of the operating rights of CAPITAL FREIGHT LINES, INC., 3775 Ridge Road, Cleveland 9, Ohio, and for acquisition by BRUCE M. SHOE, Route No. 4, Newark, Ohio, of control of such rights through the purchase. Applicants' attorney: Richard H. Brandon, 808 Hartman Building, Columbus 15, Ohio. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and Class A and B explosives, livestock, commodities in bulk (not including salt in bulk), commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over a regular route between Newcomerstown, Ohio, and Columbus, Ohio, serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Ohio, Indiana, West Virginia, Kentucky, Pennsylvania, and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7131. Authority sought for control by STRICKLAND MOTOR FREIGHT LINES, INC., P.O. Box 5689, 2917 Gulden Lane, Dallas, Tex., of PORTO TRANSPORT, INCORPORATED, 600 South Colony Road, Wallingford, Conn., and for acquisition by STRICKLAND TRANSPORTATION CO., INC., and, in turn, by L. R. STRICKLAND, both of Dallas, of control of PORTO TRANSPORT, INCORPORATED, through the acquisition by STRICKLAND MOTOR FREIGHT LINES, INC. Applicant's attorneys: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla., and Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. Operating rights

sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between New Britain, Conn., and New York, N.Y., between Winsted, Conn., and New York, N.Y., and between Boston, Mass., and Newark, N.J., serving all intermediate and certain off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between points in Connecticut, between Hartford, Middletown, Shelton, Ansonia, and Cheshire, Conn., on the one hand, and, on the other, Newark, Perth Amboy, Paterson, and Passaic, N.J., between New York, N.Y., on the one hand, and, on the other, points in Kings, Queens, Nassau and Suffolk Counties, N.Y., between certain points in New York, on the one hand, and, on the other, certain points in Connecticut and New Jersey, and between Trenton, N.J., and points in Hudson, Bergen, Passaic, Essex, Middlesex, Somerset, and Morris Counties, N.J., on the one hand, and, on the other, New York, N.Y., and points in New Jersey; *cotton webbing and brake lining*, from Middletown, Conn., to New York, N.Y.; *silverware and cutlery*, from Wallingford, Conn., to New York, N.Y.; *chemicals, valves, pyroxylin products, machinery, electrical appliances, motorcycles, and nitrocellulose*, in truck load lots, from Springfield, Mass., and points in Massachusetts and Connecticut within 15 miles thereof, to points in Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. RESTRICTION: The operating rights described herein are restricted against the transportation of commodities between points authorized to be served in Connecticut over irregular routes, on the one hand, and, on the other, points authorized to be served in Massachusetts over regular routes. STRICKLAND MOTOR FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Missouri, New Jersey, Illinois, Ohio, and New York. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7132. Authority sought for purchase by DEAN VAN LINES, INC., 18420 South Santa Fe Avenue, Long Beach 7, Calif., of the operating rights of EURE MOVING & STORAGE, INC., 705 East Pine Street, Hattiesburg, Miss., and for acquisition by DEAN VAN & STORAGE, INC., and, in turn, by A. E. DEAN, both of Long Beach, of control of such rights through the purchase. Applicants' attorney: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes between Hattiesburg, Miss., on the one hand, and, on the other, points in Alabama, Louisiana, and Mississippi. Vendee is authorized to operate as a *common carrier*, in 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7133. Authority sought for purchase by DEAN VAN LINES, INC., 18420 South Santa Fe Avenue, Long Beach 7, Calif., of a portion of the operat-

ing rights of WHITE TRANSFER & STORAGE COMPANY, INC., P.O. Box 227, 633 West Clinton Street, Huntsville, Ala., and for acquisition by DEAN VAN & STORAGE, INC., and, in turn, by A. E. DEAN, both of Long Beach, of control of such rights through the purchase. Applicants' attorney: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between Huntsville, Ala., and points within 100 miles of Huntsville, on the one hand, and, on the other, points in Mississippi, Alabama, and Florida. Vendee is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7134. Authority sought for purchase by J. J. WILLIS TRUCKING COMPANY, P.O. Box 2112, 200 North Jackson Street, Odessa, Tex., of a portion of the operating rights of FERGUSON TRUCKING COMPANY, INC., 103 North Second Street, P.O. Box 637, Artesia, N. Mex., and for acquisition of control of such rights by MARY ADELE WILLIS, Odessa, Tex., as executrix of the estate of J. J. WILLIS. Applicants' attorneys: Thomas E. James and James H. Keahey, both of 1020 Brown Building, P.O. Box 858, Austin, Tex., and Alvin J. Meiklejohn, Jr., Suite 526, Denham Building, Denver 2, Colo. Operating rights sought to be transferred: *Oilfield commodities*, as a *common carrier* over irregular routes between points in Oklahoma, Kansas, and that part of Texas north of U.S. Highway 80 and west of U.S. Highway 75, including points on the indicated portions of the highways specified. Vendee is authorized to operate as a *common carrier* in Louisiana, Texas, New Mexico, and Arizona. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7135. Authority sought for purchase by SHALLCROSS EXPRESS, INC., 527 Springfield Road, Kenilworth, N.J., of the operating rights and property of ERIE TRUCKING CO., 152 Beech Street, Paterson, N.J., and for acquisition by JOSEPH SHALLCROSS, JR., and ETTA M. SHALLCROSS, both of Kenilworth, of control of such rights and property through the purchase. Applicants' attorneys: George Olsen, 69 Tonnele Avenue, Jersey City, N.J., and Bert Collins, 140 Cedar Street, New York, N.Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions excluding household goods and including commodities in bulk, as a *common carrier* over irregular routes, between New York, N.Y., and Paterson, N.J., on the one hand, and, on the other, points within 25 miles of New York, N.Y. Vendee is authorized to operate as a *common carrier* in New York and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7136. Authority sought for purchase by WHITFIELD TRANSPORTATION, INC., 240 West Amador, Las Cruces, N. Mex., of a portion of the operating rights of E. M. KELLER, doing

business as E. M. KELLER & COMPANY, 725 South Cuyler, Pampa, Tex., and for acquisition by W. E. WHITFIELD, H. C. WHITFIELD, and M. E. WHITFIELD, all of Las Cruces, of control of such rights through the purchase. Applicants' attorneys: David G. Macdonald, 1625 K Street NW., Washington 6, D.C., and Don F. Jones, P.O. Box 5345, El Paso, Tex. Operating rights sought to be transferred: *Heavy machinery and heavy or cumbersome commodities*, which, because of size or weight, require the use of special equipment, and *parts thereof*, as a *common carrier* over irregular routes, between certain points in Texas, and between certain points in Texas on the one hand, and, on the other, points in New Mexico, Oklahoma, and Kansas. The carrier may combine the above-described irregular-route authorities provided they have a point common to both to which the carrier may transport a given shipment under one authority and from which it may transport the same shipment under the other, and establish through service under such combination provided in each instance the shipment is transported through the common or gateway point and provided further that this certificate does not contain any restriction or other indication that through service shall not be conducted. Vendee is authorized to operate as a *common carrier* in Texas, New Mexico, Utah, Colorado, Arizona, California, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7137. Authority sought for purchase by HOWARD H. KRAPP, doing business as KRAPP TRUCK SERVICE, R.D. No. 4, Allentown, Pa., of the operating rights and property of NATHAN ALTEMOSE (ARLENE Z. ALTEMOSE, ADMINISTRATRIX), Albrightsville, Pa. Applicants' attorneys: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y., and Heimbach & Nanovic, 57 Broadway, Jim Thorpe, Pa. Operating rights sought to be transferred: *Coal*, as a *common carrier*, over irregular routes, from points in Luzerne and Schuylkill Counties, Pa., to points in Monmouth, Bergen, and Essex Counties, N.J., and Rockland County, N.Y. Vendee is authorized to operate as a *common carrier* in New Jersey and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7138. Authority sought for purchase by BRUCE BURNEY OIL HAULING, INC., Morton Highway, Levelland, Tex., of the operating rights and property of A. C. BLACKBURN, JR., doing business as A. C. BLACKBURN TANK TRUCK SERVICE, P.O. Box 1614, Hobbs, N. Mex., and for acquisition by BRUCE BURNEY, also of Levelland, of control of such rights and property through the purchase. Applicants' attorney: Alvin R. Allison, 719 Houston Street, Levelland, Tex. Operating rights sought to be transferred: *Water and oils* used in the completion, repair or re-completion of gas wells and oil wells, as a *common carrier* over irregular routes, between points in Lea, Eddy, and Chaves Counties, N. Mex., on the one hand, and, on the other, points in Yoakum, Gaines, Andrews, Ward, and Ector Counties, Tex.

Vendee is authorized to operate as a *common carrier* in New Mexico and Texas. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7139. Authority sought for control and merger by PACIFIC INTER-MOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland 4, Calif., of the operating rights and property of BOND TRUCKING CO., 9854 South Alameda Street, South Gate (Los Angeles County), Calif. Applicants' attorneys: Paul T. Wolf, 14 Montgomery Street, San Francisco 4, Calif., Berol and Silver, 100 Bush Street, San Francisco 4, Calif., and Glanz & Russell, 639 South Spring Street, Los Angeles 14, Calif. Operating rights sought to be controlled and merged: *Pottery, auto pipes, toys and personal effects*, as a *common carrier* over irregular routes, from Santa Monica, Calif., to the port of Wilmington, Calif.; *paint*, from Los Angeles, Calif., to the port of Port Hueneme, Calif.; *auto valves*, from Vernon, Calif., to the port of Wilmington, Calif.; **RESTRICTION:** The service authorized herein is restricted to traffic moving to the Territories or possessions of the United States; operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act covering transportation of *general commodities*, with certain exceptions, as a *common carrier* over regular routes, between specified points in California, such exceptions and routes being more specifically described in Docket No. MC 115085 Sub 2. PACIFIC INTERMOUNTAIN EXPRESS CO. is authorized to operate as a *common carrier* in Colorado, Utah, Wyoming, California, Nevada, Idaho, Missouri, Kansas, Illinois, Indiana, Nebraska, Oklahoma, Texas, Oregon, Washington, Iowa, Wisconsin, Arizona, Montana, and New Mexico. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC 730 Sub 13, filed March 17, 1959, is a matter directly related, and will be published in the FEDERAL REGISTER at a later date.

No. MC-F 7140. Authority sought for purchase by DUFF TRUCK LINE, INC., Broadway and Vine Streets, Lima, Ohio, of the operating rights and property of DONALD S. MILLER, doing business as MILLER TRUCKING CO., Scott and Armstrong Streets, P.O. Box 273, St. Marys, Ohio, and for acquisition by L. EUGENE DUFF and TIRA M. DUFF, both of Lima, of control of such rights and property through the purchase. Applicants' attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: Operations under the Second Proviso of section 206(a)(1), Interstate Commerce Act, covering the transportation of *property* in intrastate commerce on call of the public, over irregular routes from and to St. Marys, Ohio; *household goods, office furniture and fixtures* to and from a radius of 12 miles of St. Marys, except Wapakoneta, Ohio; also to transport *extra heavy or special property* requiring special loading equipment or special equipment adapted to moving such property upon and over irregular routes to and from any point in Mercer, Auglaize, Allen, and Hancock

Counties, Ohio, restricted against furnishing the same kind and character of service being furnished by existing electric and steam railway lines or by motor transportation companies operating between fixed termini or over regular routes. Vendee is authorized to operate as a *common carrier* in Ohio. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-2500; Filed, Mar. 24, 1959;
8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 20, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35310: *Carbon electrodes—Natco, Tenn., to Sterling, Ill.* Filed by O. W. South, Jr., Agent (SFA A-3784) for the Louisville and Nashville Railroad Company, the Illinois Central Railroad Company, and the Chicago, Burlington & Quincy Railroad Company. Rates on carbon electrodes, in carloads, from Natco, Tenn., to Sterling, Ill.

Grounds for relief: Truck-barge competition.

Tariff: Supplement 98 to Southern Freight Tariff Bureau tariff I.C.C. 1565.

FSA No. 35311: *Substituted service—Pan-Atlantic Steamship Corporation for Central Truck Lines.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 9), for the Pan-Atlantic Steamship Corporation and interested motor carriers. Rates on property loaded in highway truck trailers and transported on board ship from New Orleans, La., to Tampa, Fla., on traffic originating at points on motor carriers in Louisiana and Texas when destined to points in Florida served by Central Truck Lines, Inc.

Grounds for relief: Motor truck competition.

Tariff: Supplement 6 to Southern Motor Carriers Rate Conference tariff I.C.C. 32.

FSA No. 35312: *Tin orterne plate to New Orleans, La.* Filed by O. E. Schultz, Agent (ER No. 2487), for carriers parties to Traffic Executive Association—Eastern Railroads tariff I.C.C. C-34. Rates on plate, tin orterne, and tin mill black, in carloads, from Niles, Warren, and North Warren, Ohio, Sparrows Point, Md., and Fairless, Pa.

Grounds for relief—Market competition with points in Pennsylvania, Ohio, and West Virginia having depressed water-competitive rates to New Orleans.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-2497; Filed, Mar. 24, 1959;
8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—MARCH

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